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# “They’ll Get You No Matter What”

Morocco’s Playbook to Crush Dissent



# **“They’ll Get You No Matter What”**

Morocco’s Playbook to Crush Dissent

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Printed in the United States of America

ISBN: 978-1-62313-993-3

Cover design by Rafael Jimenez

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# “They’ll Get You No Matter What”

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## Summary

“You push back on absurd accusations and nasty hit pieces one at a time; you deny unfounded allegations, fight baseless charges... You talk, talk, and talk again. But in the end, they’ll get you no matter what.”

— Omar Radi, journalist

Independent journalist Omar Radi, 33, looked a bit tired during his meeting with Human Rights Watch on a café terrace in Rabat on July 15, 2020.

Radi was just out of a press conference during which, assisted by his lawyer, he had sought to debunk multiple charges laid out against him by a prosecutor, the judicial police, and the state-aligned media in the previous few months: “sharing intelligence with foreign governments, firms, and organizations,” “harming internal and external state security,” “manifest public drunkenness”... The list went on and on.<sup>1</sup>

Radi’s fatigue could also be explained by the five marathon police interrogation sessions – about nine hours each – he had undergone in the previous two weeks. “I have to end this meeting,” he apologized. “I need to go the police headquarters again, right now, for yet another interrogation session.” Indeed, six more would follow over the next two weeks.

The police finally arrested Radi on July 29, 2020. He spent the next year in pretrial detention, before a court pronounced him guilty, on July 19, 2021, not only for the original espionage charges, but also for indecent assault and rape, and sentenced him to six years in prison. An appeals court upheld the sentence on March 3, 2022. Radi remains in jail at time of writing.

Radi is an investigative journalist. He rose to prominence in the early 2010’s after he exposed widespread state corruption in the sectors of natural resources and real estate.<sup>2</sup>

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<sup>1</sup> Omar Radi, press conference in Rabat, July 15, 2020, <https://www.youtube.com/watch?v=8CrbmLK5Pk8> (accessed February 25, 2022).

<sup>2</sup> Omar Radi and Christophe Guguen, “Des exploitants pas comme les autres”, *Lakome*, January 31, 2013, <https://web.archive.org/web/20131004233809/http://fr.lakome.com/index.php/component/content/article/112->

He defended protesters who took to the street to claim social and economic rights in the northern Rif region. He also made incendiary comments on a famous talk show in 2018, including, “The ministry of interior, host of Morocco’s biggest corruption scheme ever, should be dissolved.”<sup>3</sup>

Before Radi was arrested and convicted in 2021, he was detained, tried, and convicted for a tweet, had spyware intrusion on his smartphone, experienced a pervasive defamation campaign against him by state-aligned media, and suffered a suspicious physical assault that the police, despite their promises, showed no sign of having ever investigated.

## From Speech Trials to Criminal Prosecutions

Throughout the past two decades, Human Rights Watch and other human rights organizations have documented how Moroccan courts have convicted dozens of journalists and activists and closed, heavily fined, or otherwise sanctioned media outlets critical of the authorities on charges of libel, publishing “false news,” “insulting” or “defaming” local officials, state bodies or foreign heads of state, and “undermining” state security or the institution of the monarchy.<sup>4</sup>

Trials for speech-related charges that clearly violate the right to freedom of expression are still commonly used to punish critical journalists, internet commentators, and protestors throughout the Middle East and North Africa. Morocco is no exception. In 2021 and 2022, social media commentators like Chafik Omerani, Mustapha Semlali, Jamila Saadane, Ikram Nazih, Saida El Alami and Rabie al-Ablaq, and protester Nouredine Aouaj were sentenced to prison terms for peacefully criticizing public figures.

Alongside these prosecutions for speech offenses, Moroccan authorities, since the mid-2010s, have increasingly accused and prosecuted high-profile journalists and activists of non-speech crimes, including crimes involving consensual sex. In the late 2010s,

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enquetes/carrieres-de-sable/330-ain-tizgha-des-exploitants-pas-comme-les-autres-2 (accessed February 25, 2022);

هاشتاغ.. لأول مرة.. كاشف لائحة خدام الدولة بوجه مكشوف, interview of Omar Radi,

[https://www.youtube.com/watch?v=xuhJXUcXP\\_A](https://www.youtube.com/watch?v=xuhJXUcXP_A) (accessed February 25, 2022)

<sup>3</sup> “1D2CCons, ملحة العدميين,” YouTube, Video Clip, August 24, 2018, <https://www.youtube.com/watch?v=v3saDv5cyf4> (accessed February 25, 2022)

<sup>4</sup> Human Rights Watch, *Morocco: Prosecution of Independent News Weeklies*, May 2006, <https://www.hrw.org/news/2006/05/08/morocco-prosecution-independent-newsweeklies>.

authorities started to prosecute critics for serious crimes such as money laundering, espionage, rape, or sexual assault, and even human trafficking.

According to historian and free speech activist Maati Monjib, who was jailed for three months in 2021 on money-laundering charges, “The political trials of the past gave prestige to [Moroccan] dissidents, made them heroes, mobilized public opinion around them. Designating them as traitors, thieves, and rapists – that's a better way to silence them.”<sup>5</sup>

## “Symbolic Assassination”

Serious crimes such as sexual assault or financial offenses should be investigated without discrimination, and those responsible brought to justice and punished, after trials that respect due process and are fair for both the complainant and the accused.

Examining 12 such court cases involving dissidents in Morocco, Human Rights Watch found that the authorities have committed an array of fair-trial violations and other abuses. Furthermore, in their aggressive pursuit of dissidents on serious charges, the authorities have violated the rights of their acquaintances, partners, and families, and even people the authorities allege to be their victims.

For example, Afaf Bernani, a newspaper employee turned activist, fled Morocco after she was convicted in 2018 for “defamation,” because she accused the police of forging a statement in which she appeared to affirm that her former boss, opposition newspaper publisher Taoufik Bouachrine, had sexually assaulted her. Denying that she had ever made such an accusation against Bouachrine, she told a journalist: “Moroccan authorities have figured out that to accuse someone of a sex crime is an effective ‘symbolic assassination.’ It strips its targets of international solidarity and makes them pariahs in their own communities, shunned by friends and family who are either embarrassed or afraid to be associated with them.”<sup>6</sup>

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<sup>5</sup> Rachida El Azzouzi and Rosa Moussaoui, “Omar Radi est devenu une ligne rouge, autant que le Sahara ou le Roi,” *Mediapart*, September 21, 2020, <https://www.mediapart.fr/journal/international/210920/omar-radi-est-devenu-une-ligne-rouge-autant-que-le-sahara-ou-le-roi?onglet=full> (accessed February 25, 2022).

<sup>6</sup> Ursula Lindsey, “Me Too in Egypt and Morocco,” *New York Review of Books*, April 8, 2021, <https://www.nybooks.com/articles/2021/04/08/me-too-in-egypt-morocco/> (accessed February 25, 2022).



The legal case against Bouachrine, who has been serving a 15-year prison term since 2019, like those of Omar Radi, Maati Monjib, Soulaïman Raïssouni, and other outspoken critics of the current monarchical system, cannot be dismissed out-of-hand as attacks on free speech by a repressive government. Regardless of the accused's professions and social statuses, such charges must always be taken seriously. The report seeks to examine the way the authorities investigated these cases, the basis of the evidence to support the charges, and the judicial processes by which they were tried.

Examining eight individual cases and 12 trials in which about 20 activists or journalists were involved in different capacities, as well as the attacks on such dissidents by an assemblage of media outlets that appear to follow the lead of Morocco's security establishment, Human Rights Watch in this report concludes that Moroccan authorities have developed and refined an array of tactics to silence dissent while claiming merely to be neutrally enforcing its criminal laws. In doing so, the authorities violated a long list of rights, including the rights to privacy, health, physical safety, property, and the right to a fair trial, while also making a mockery of serious crimes, such as rape, embezzlement, or espionage.

## **The Devil Is in the Details**

In two cases this report examines, courts have convicted activists on charges that violated international human rights laws. In one case, a court convicted journalist Hajar Raïssouni of having extramarital sex with her fiancé and an illegal abortion, and in another, a court convicted journalist Hicham Mansouri of complicity in adultery with a married woman who was also convicted. These charges of extramarital sex and abortion violate rights such as the right to privacy, health, and nondiscrimination. Morocco should remove these crimes from its criminal code and immediately drop all similar prosecutions under these charges.

In the rest of the cases brought before courts, which all occurred after Mansouri's and Raïssouni's, the authorities have accused journalists and activists of sexual or financial offenses that are universally criminalized, offenses for which no person should be immune from investigation or prosecution. However, any police or judicial action in such cases must be non-discriminatory and fair, consistent with international standards.

When it comes to understanding how Moroccan authorities crush dissidents to muzzle them, the devil is in the details. To understand why prosecutions on criminal charges are often disguised political attacks on activists, it is necessary to examine the web of flaws that taint the state's treatment of these cases, both in the pre-trial and trial phase.

Even where there are allegations of serious crimes, the authorities' handling of the case undermined the impression that they are taking these crimes seriously. Sexual violence is a serious issue in Morocco – it is important that the authorities combat sexual violence properly and consistently, observing the rights of both the complainant and the accused.

Physical and electronic surveillance, abusive incarcerations, biased trials and unjust verdicts, character-assassination campaigns in state-aligned media of critics and their relatives and associates, and apparently the occasional use of physical violence and intimidation are among the tools used by a repressive state to silence its most vocal critics and intimidate others.

This is Morocco's playbook to muzzle dissidents. Below are some of the key tactics in that playbook.

## **Unfair Trial Proceedings**

The cases of dissidents in Morocco that go to court are often marred by serious violations of due process and other rights.

These include pretrial detentions that are prolonged without individualized justification. International standards warrant that a magistrate who issues a pretrial detention order should justify their decision in writing, setting out the individualized reasons for this measure, which should be imposed more as an exception than as the rule, and that the order be subject to immediate and then periodic, meaningful judicial review by a judge or court independent of the magistrate who issued the order. However, no such justification was ever issued in the cases of journalists Omar Radi and Soulaïman Raïssouni, who both spent one year in pretrial detention, the maximum under Moroccan laws.

Judges also prevented imprisoned dissidents from accessing their case files, and thus preparing their defense adequately. Radi and Raïssouni did not access their case files until

after their trials started. Activist Maati Monjib was held in pretrial detention for three months while under investigation on charges of embezzlement but was never allowed to access his case file. The case, which opened in September 2020, is still pending and Monjib had still not been granted access to his file yet on July 2022.

Courts also frequently refused to summon witnesses requested by the defense, without providing reasoned justifications for their refusal. The Casablanca first instance court rejected a key witness in Radi's espionage case because hearing him would have "[uselessly] prolonged the trial," the written judgment said.

Courts also forced individuals to testify in favor of the prosecution, even when they resisted doing so. In the trial for rape of journalist Taoufik Bouachrine, police exerted intense pressure on journalists Hanan Bakour, Afaf Bernani, and Amal Houari to testify against Bouachrine, even though they had not accused Bouachrine of anything and had told magistrates and the press they did not want to be involved in his trial in any capacity. The three women were arrested and brought to court by force. Houari and Bernani were later convicted for refusing to cooperate with the court and "defaming the police," respectively. Bernani fled Morocco to escape incarceration and remains abroad.

Courts also tried and sentenced detained individuals in their absence. In August 2021, a first instance tribunal sentenced Radi for "public drunkenness" without hearing him. The reason Radi was not heard is that neither he nor his lawyers had received a notification of the trial sessions, and the police never brought him to the courtroom from the prison where he was being held at the time. In January 2020, Maati Monjib was sentenced, in his absence, to one year in prison for undermining state security, even though he was then in pretrial detention for another case. Neither Monjib nor his lawyers were notified of the trial session, and the police did not bring him to the courtroom.

In one case, a defendant was denied access to one of his lawyers. In June 2021, the police detained a Belgian lawyer hired by Radi's family upon landing in Casablanca and prevented him from accessing the courtroom. He was deported to Belgium the next day.

## Digital and Camera Surveillance

The above-mentioned due process violations happened in a context of police harassment, and multi-faceted violations of the rights of dissidents.

The smartphones of at least five independent journalists and activists including Monjib, Radi, Bouachrine, Raissouni, and Aboubakr Jamaï, and also those of multiple human rights defenders including Fouad Abdelmoumni, and lawyers including Abdessadek Bouchattaoui, alongside possibly thousands of other individuals, were infected with the spyware Pegasus between 2019 and 2021, according to an investigation conducted by Amnesty International and another by the Forbidden Stories journalistic consortium.<sup>7</sup>

Pegasus, a potent program that its developer, the Israeli company NSO Group, says it only sells to governments, is capable of accessing contact lists, reading emails and text messages, tracking calls, collecting passwords, localizing the target device, and hijacking its microphone and video camera to turn them into surveillance tools.<sup>8</sup> Moroccan authorities denied using Pegasus to spy on dissidents.<sup>9</sup>

One of those whose phone was infected by Pegasus, Fouad Abdelmoumni, was also subjected to video surveillance. In 2020, an anonymous sender sent on WhatsApp six short video clips showing him and his partner (they married the next year) having sex in intimate situations in a private setting to several close friends and relatives of theirs. In Morocco, nonmarital sex is a crime punished by prison and a cause for social stigma, especially for women. According to Abdelmoumni, judging by the angle of the shots, the cameras that recorded the intimate footage were planted inside two AC units placed in Abdelmoumni's apartment's bedroom and living room.

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<sup>7</sup> Project Pegasus: de nouveaux noms de journalistes révélés pour le Maroc," *Le Desk*, July 19, 2021, <https://ledesk.ma/encontinu/projet-pegasus-de-nouveaux-noms-de-journalistes-reveles-pour-le-maroc/> (accessed February 25, 2022); "From India to Rwanda, the Victims of NSO Group's WhatsApp Hacking Speak Out", (blog) Access Now, December 17, 2020, <https://www.accessnow.org/nso-whatsapp-hacking-victims-stories/> (accessed February 25, 2022); "Morocco: Human Rights Defenders Targeted with NSO Group's Spyware," Amnesty International, October 10, 2019, <https://www.amnesty.org/en/latest/research/2019/10/morocco-human-rights-defenders-targeted-with-nso-groups-spyware/> (accessed February 25, 2022); "The Pegasus Project," Forbidden Stories, <https://forbiddenstories.org/case/the-pegasus-project/> (accessed February 25, 2022).

<sup>8</sup> Ronen Bergman and Mark Mazzetti, "The Battle for the World's Most Powerful Cyberweapon," *The New York Times*, January 28, 2022 <https://www.nytimes.com/2022/01/28/magazine/nso-group-israel-spyware.html> (accessed February 25, 2022).

<sup>9</sup> "Le Maroc nie 'tout espionnage' de journalistes avec le logiciel Pegasus," *Africa News*, July 19, 2021, <https://fr.africanews.com/2021/07/19/le-maroc-nie-tout-espionnage-de-journalistes-avec-le-logiciel-pegasus/> (accessed February 25, 2022).

The prosecution of Taoufik Bouachrine for multiple cases of rape and sexual assault was accompanied by several video clips purportedly showing the press publisher – or a man resembling him – in more or less explicit sexual situations with several women, in Bouachrine’s Casablanca office. The police said they found two video cameras in Bouachrine’s office and claimed he had recorded the videos himself. Bouachrine denied that the cameras were his or that he had installed them. He claimed that unknown parties had, unbeknownst to him, planted the cameras in the suspended ceiling of his office. Police agents retrieved them on the day of Bouachrine’s arrest. He did not witness them doing so because at the time he was being held in a different room of the office suite.

## Harassment Campaigns in Pro-Makhzen Media

Although not all of the individuals whose cases are examined in this report ended up in court or in prison, they have a common denominator: the targeted individuals were subjected, before they were ever summoned to a police station, to pervasive defamation campaigns in a certain constellation of websites.

In 2020, 110 Moroccan journalists signed a “Manifesto Against Defamation Media” in which they said: “Whenever the authorities have pursued a critical voice, certain websites have hastened to write defamatory articles, without any professional ethics, even violating the laws organizing the press in Morocco.”<sup>10</sup>

Multiple investigative articles have described the websites in question as “close to the royal palace,” or having close ties with Morocco’s police and intelligence services.<sup>11</sup> The last section of this report, titled “Case Studies: Media institutions,” discusses these allegations in detail, focusing on three websites: Chouf TV, Barlamane, and Le360.

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<sup>10</sup> “Manifeste: Des journalistes marocains contre les médias de diffamation”, *En Toutes Lettres*, July 16, 2020, <https://etlettres.com/manifeste-des-journalistes-marocains-contre-les-medias-de-diffamation/> (accessed February 25, 2022).

<sup>11</sup> Ali Amar, “‘Barlamane’: enquête sur une machine à salir,” *Le Desk*, October 24, 2017, <https://ledesk.ma/grandangle/barlamane-enquete-sur-une-machine-salir/> (accessed March 4, 2022); Ali Lmrabet, @alilmrabet, Twitter, July 7, 2018, <https://twitter.com/Alilmrabet/status/1015634977764118533> (accessed March 4, 2022); Serge Michel and Youssef Ait Akdim, “Maroc : la méthode d’un média proche du palais pour « dégonfler » les scoops gênants,” *Le Monde Afrique*, April 5, 2016, [https://www.lemonde.fr/afrique/article/2016/04/06/maroc-la-methode-d-un-media-proche-du-palais-pour-degonfler-les-scoops-genants\\_4896687\\_3212.html](https://www.lemonde.fr/afrique/article/2016/04/06/maroc-la-methode-d-un-media-proche-du-palais-pour-degonfler-les-scoops-genants_4896687_3212.html) (accessed March 4, 2022); Phineas Rueckert and Cécile Schilis-Gallego, “Journaliste Surveillé au Maroc: ‘La Descente Aux Enfers,’ D’Omar Radi,” *Forbidden Stories*, July 7, 2020, <https://forbiddenstories.org/fr/journaliste-surveille-au-maroc-la-descente-aux-enfers-domar-radi/> (accessed March 4, 2022).

In an e-mail sent on April 14, 2022, in response to a letter from Human Rights Watch, Wadi El Moudden, publication director of Le360, categorically denied that his website was part of what the manifesto calls “defamation media.” By mid-July 2022, Human Rights Watch had not received any answer to similar letters it had sent to Chouf TV and Barlamane on April 1 and again on May 9.

On May 10, 2022, Human Rights Watch searched the phrase “defamation media” on the websites of Chouf TV and Barlamane. That search did not yield any result that indicated a clear response from, or positioning by, Chouf TV with regard to the manifesto. However, one article published under a pseudonym in Barlamane in November 2020 accused a US-based Moroccan journalist and human rights activist of producing “defamation journalism.”<sup>12</sup> Another article published under unknown initials in Barlamane in March 2022 called a group of French media including Le Monde, Mediapart, and Radio France Internationale “defamation media” because of their “systematic and coordinated campaign against Morocco and its security services.”<sup>13</sup>

The report henceforth refers to such websites, including Chouf TV, Barlamane, and Le360 as “pro-Makhzen” media or websites.

“Makhzen” is a term that both Moroccans and Morocco observers use to refer to the network of power holders tied to the king and his associates through allegiance, patronage, and clientelism.<sup>14</sup> It is not an official entity; nor is there a single agreed-upon list of its components. In some respects, the term could be analogous to “the deep state”

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<sup>12</sup> Abou-Ali, “صحافة التشهير بلغة شكسبير”، تمتن “سامية رزوقي”، *Barlamane*, November 20, 2020, <https://www.barlamane.com/%D8%B3%D8%A7%D9%85%D9%8A%D8%Ag-%D8%B1%D8%B2%D9%88%D9%82%D9%8A-%D8%AA%D9%85%D8%AA%D9%87%D9%86-%D8%B5%D8%AD%D8%A7%D9%81%D8%Ag-%D8%A7%D9%84%D8%AA%D8%B4%D9%87%D9%8A%D8%B1-%D8%A8%D9%84%D8%BA%D8%Ag/> (accessed May 10, 2022).

<sup>13</sup> Kh. A, “القضاء الفرنسي يحمي صحافة التشهير ويرفض النظر في شكاية المغرب ضد وسائل إعلام فرنسية”، *Barlamane*, March 25, 2022, <https://www.barlamane.com/%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%81%D8%B1%D9%86%D8%B3%D9%8A-%D9%8A%D8%AD%D9%85%D9%8A-%D8%B5%D8%AD%D8%A7%D9%81%D8%Ag-%D8%A7%D9%84%D8%AA%D8%B4%D9%87%D9%8A%D8%B1-%D9%88%D9%8A%D8%B1/>, accessed on May 10, 2022

<sup>14</sup> “Makhzen” is the Arabic word for warehouse. It was originally used to name the treasure chest where Sultans stored the taxes collected from the people. The meaning evolved through history. It first broadened up to mean, symbolically, the content of the chest—i.e., the Sultan’s assets. Later, it embraced the personnel paid with these assets, then the whole government, administration and army. Since the Alaouite dynasty was installed in Morocco in the 17th century, “Makhzen” is used in reference to anyone who contributes to relaying the king’s power to the population. See Michaux-Bellaire, Ed. and Buret, M., “Makhzen”, in: *Encyclopaedia of Islam*, First Edition (1913-1936), Edited by M. Th. Houtsma, T.W. Arnold, R. Basset, R. Hartmann, available, [https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-1/makhzen-SIM\\_4477](https://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-1/makhzen-SIM_4477) (accessed March 4, 2022).

as the term is applied to some segments of the governing authorities in other countries. The Makhzen refers to those who function as shadow decision makers in Morocco, with a preponderant role played by the security and intelligence services. In Morocco, the term “Makhzen” is also commonly understood to refer to security services and their members at large.

The pro-Makhzen media specializes in generating a flood of articles about critics of the Makhzen, often featuring vulgar insults and personal information including banking and property records, screenshots of private electronic conversations, allegations about sexual relationships, or threats to expose them, along with intimate biographical details concerning the targets’ parents, family members, and supporters.

For instance, after a woman posted a statement on Facebook in support of incarcerated journalist Soulaïman Raïssouni, Chouf TV published the names of both her parents and their political leanings, and information on individuals she befriended and where she would meet them, presumably a way to intimidate her by showing their knowledge of personal information about her, even though she was not a public figure. The same website published the identity of a female roommate of Omar Radi and insinuated that he had implicated her in allegedly “dishonest” activities.<sup>15</sup>

After Radi’s arrest, the same website listed several individuals presented as his “support committee,” complete with insults and scandalous allegations on each one of them. The “support committee,” which never publicized itself as such, was in fact an informal group, exchanging information about Radi’s case and discussing support strategies in a private chat room on the encrypted messaging app Signal.

Such scandal-mongering and reporting by sensationalist media could be defended as protected speech in a country where a wide array of media voices flourish. However, in the heavily restricted media eco-sphere of Morocco, no media outlet dares to cover in this fashion powerful persons in the Makhzen. Only dissidents and those they associate with are targeted in such a way.

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<sup>15</sup> Human Rights Watch has read the articles that Chouf TV published in January and June 2020 (accessed on April 25, 2022) and is refraining from linking to them so as to avoid spreading the allegations they contain.

Many Moroccan critics of the authorities told Human Rights Watch that even in the absence of legal threats against them, the prospect of being targeted by pro-Makhzen websites deters them from speaking out. “When you see your name and your private information exposed in there, you think twice before taking public positions again,” one of them said, asking to be kept anonymous.

Journalist Hicham Mansouri, who obtained asylum in France after spending ten months in prison in Morocco for adultery, told a French newspaper in 2020: “There is a climate of inquisition. They know all our flaws, all our weaknesses. They know us better than we know ourselves. The goal is for each one of us to end up thinking of themselves as a potential target. Sex, drugs, alcohol... if they can't find anything, they'll fabricate accusations [against you].”

## **Surveillance: From Defamatory Articles to Courtrooms**

Several targeted individuals told Human Rights Watch that while most of the information published about them in pro-Makhzen media was false or twisted, some of it was true – and detailed enough to lead them to conclude that it could have only been obtained through surveillance, including of their electronic communications.

For example, one month before an anonymous sender sent hidden-camera videos of Abdelmoumni in intimate situations with his partner to the couple's relatives and friends, Barlamane posted a video denouncing an unnamed “senior activist” who “[is promiscuous] with young girls the age of his granddaughter.” Abdelmoumni, whom the same video criticized – this time namely – for his “stinking adolescent behavior,” was then 62. His then-partner, now his wife, is a woman in her thirties.

The prosecution of Omar Radi for “sharing intelligence with foreign entities” was preceded by two articles in Chouf TV accusing him of being a “spy.” These articles contained specific information that Radi told Human Rights Watch could have been obtained only through monitoring of his email and WhatsApp conversations. Though the information in question was innocuous, it was later interpreted in court as evidence of guilt.

In one indication of connections between pro-Makhzen media and the police, these media have correctly predicted the date of arrest of a target who was still free at the time the



article was published. For example, Chouf TV on July 24, 2020, announced that Omar Radi would be behind bars by July 29 – which is the date on which the police actually arrested him. The article has since been deleted but is still available on web archives.<sup>16</sup>

In another instance, Chouf TV published on May 17, 2020, an article (also deleted, but viewable in web archives) titled: “Sulaiman Raissouni: Last Reveal before Destruction.” In it, the author wrote, addressing the journalist: “The doors of hell will open [for you] ... We will all celebrate Eid al-Fitr [a Muslim holiday] on a day that will be historic and that you will only live once in your life.”<sup>17</sup> Raissouni was arrested in the evening of May 22, the day before the holiday began that year. Chouf TV, presumably tipped on the day, time and location of the arrest, was there to film it.<sup>18</sup>

## Physical Surveillance, Intimidation, Aggression

Several Moroccan dissidents interviewed for this report told Human Rights Watch that they have been followed, either on foot or by unknown men in civilian cars, at various times and for extended periods.

Monjib said on-and-off physical surveillance has been part of his life for years. During weeks or months on end, he said, different cars followed him everywhere he went in Rabat and beyond or were stationed outside his house around the clock.

Researchers of Human Rights Watch have been episodically followed by unknown men in civilian cars at various times in the past years. In 2019, the janitor of a Casablanca building told a Human Rights Watch staffer, who then lived in the building, that two police officers came to ask questions about him and his family.

Abdellatif Hamamouchi, a close associate of Monjib and a member of the Moroccan Association for Human Rights, Morocco’s most prominent rights group, wrote on Facebook on April 26, 2021:

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<sup>16</sup> Abu Wael Al-Rifi, “بوح بولغاف: هل يتذوقه الراضي في ضيافة التامك؟ الأمير والدراكي والتوارخي والحقوقي” Chouf TV, July 24, 2020, available via archives <https://chouftv.ma/press/274611.html>.

<sup>17</sup> Abu Wael Al-Rifi, “سليمان سليمان الريسوني.. البوح ما قبل الأخير ما قبل التدمير” Chouf TV, May 17, 2020, available via archives <https://web.archive.org/web/20211027124557/https://chouftv.ma/press/250314.html>

<sup>18</sup> Chouf TV, “أول فيديو للحظة اعتقال سليمان الريسوني... شوفو شحال ديال البوليس شدوه 4 أو 15” YouTube video, May 22, 2020, <https://www.youtube.com/watch?v=fR3jPSSStNOo> (accessed March 4, 2022).

For more than three months, a car with two or three passengers has been parked near my home in Temara [near Rabat]. This car follows me wherever I go [...] even when I'm in another town. A strange thing: the same car, and the same driver, had been following Professor Maati Monjib or parking in front of his home until he was arrested. The very same car apparently became charged with monitoring me, until today.<sup>19</sup>

On July 16, 2014, Monjib's colleague Hicham Mansouri, a journalist and free speech activist, was assaulted in a street of Rabat. At around 9:30 p.m., shortly after he left a meeting with Monjib, two unknown men emerged from a car with tinted windows and violently assaulted Mansouri, including after he fell on the ground, before jumping back in the car and fleeing.

Mansouri was transported to the emergency room of a hospital, with multiple bruises on his face and elsewhere on his body. After he pressed charges for assault, the police said they conducted an investigation but eventually closed it for lack of evidence.

On July 7, 2019, journalist Omar Radi was driving his car around midnight in Ain Sebaa, a suburb of Casablanca, when about 10 men emerged from a dark corner and smashed his car with sticks, stones and bricks, Radi told Human Rights Watch. The attackers broke the front passenger window before he was finally able to flee the scene. Human Rights Watch saw pictures showing the heavy damage inflicted on the vehicle.

The next morning, Radi went to a police station near the incident scene and filed a complaint. A police officer promised an investigation, provided Radi a receipt with a police stamp and a file number, and told him to use that number to track his complaint's status at the Ain Sebaa tribunal. Months later, Radi's lawyer went to the tribunal to check the status of the complaint. He told Human Rights Watch that the serial number indicated on the receipt was false and did not relate to any existing judicial file.

In August 2019, when the police arrested journalist Hajar Raissouni outside her gynecologist's office on suspicion that she had just had an illegal abortion, a prosecutor

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<sup>19</sup> Abdellatif El Hamamouchi, Facebook post, April 26, 2021, <https://www.facebook.com/abdellatif.elhamamouchi/posts/3764908366971309> (accessed March 4, 2022).

said in a communique that Raissouni's arrest was prompted by the ongoing police surveillance of the medical office, which was performed as part of a legally warranted investigation on suspected illegal activities.

However, Raissouni told Human Rights Watch that during an interrogation session at a police station later that same day, police agents provided her details about her relationship with her then-fiancé. The details were as specific as the dates and hours when Raissouni came to her fiancé's apartment to walk his dog – along with the dog's name. Raissouni told Human Rights Watch that such information could only have been obtained through physical or electronic surveillance of her and her fiancé.

In December 2019, the sister of rights activist Fouad Abdelmoumni received a call from an individual who presented himself as a police officer, falsely informing her that Abdelmoumni and “a woman [they] caught him with” had been imprisoned. Abdelmoumni told Human Rights Watch that he understood it as a move meant to intimidate him through his family.

In February 2019, Ouahiba Khourchech, a female police officer who had been harassed for months by presumed security agents after she filed sexual harassment charges against her supervisor, was accosted by two unknown men in a street in Casablanca who told her, “Your daughter [they mentioned the six-year-old child's name] is dead, you will never see her again,” then walked away. Khourchech immediately called her mother, with whom the child was staying, to check on them. Both were safe.

In July and September 2014, Maati Monjib told Human Rights Watch, unknown men who were walking behind Monjib in streets of Rabat threatened him with physical harm if he did not mute his criticism of the state, before quickly walking away. The second time, Monjib said, a man told him: “If you don't shut up, ISIS will take care of you.”

## Targeting Relatives

When the police interrogated Hajar Raissouni in August 2019, most of the questions police agents asked her were not about the crimes she was suspected of having committed — sex outside marriage and abortion — but rather about her two uncles, religious scholar Ahmed

Raissouni and journalist Soulaïman Raissouni, both considered renowned critics of the monarchy, Hajar Raissouni told Human Rights Watch.

Hajar Raissouni told Human Rights Watch that she believed the targeting of her was not in response to any misconduct on her part but rather a way for the authorities to get at her family. Raissouni was later sentenced to one year in prison for sex outside marriage and an illegal abortion, both of which she denied. Forty-five days later, following an outcry by Moroccan rights groups and the international community, King Mohammed VI pardoned her.

In October 2020, Chouf TV named the partner of Fouad Abdelmoumni, after he was clandestinely filmed in an intimate situation with them in his home. The website stigmatized the woman for having extramarital sex, and mentioned some of her own relatives, also by name, apparently to embarrass them as well. Chouf TV also alleged in February 2021 that the mother of a dissident journalist based in France had been the victim of sex-tape extortion by “her lovers.” The journalist and his mother were named in the article. The same website, in June 2020 and later, alleged that a human rights defender had fathered an “illegitimate child” (i.e., a child conceived outside of marriage, which is considered a crime under Moroccan law) with a fellow rights activist. The website published the full name of the man, the woman, and the child.

In July 2020, a Chouf TV film crew travelled to a countryside location in Morocco to interview a farmer who is a father of a critical female journalist. At some point, the interviewer asked the man what he would do if he learned his daughter had sex without being married. The man said such a situation would be a “catastrophe” and that she “wouldn’t be [his] daughter anymore and [he] would write her off the family book.” A few days later, Chouf TV published an article naming the journalist and saying she had had sex with a human rights activist, referencing her father’s previous statements. Before, and after this, Chouf TV and other pro-Makhzen media ran many articles lambasting the journalist’s private life. She now lives in France and has not visited Morocco since 2018 because she is “afraid to come back after this lynching campaign,” she told Human Rights Watch.

To avoid further stigma on the persons mentioned in the two paragraphs above, Human Rights Watch has withheld their names and abstained from featuring links to the articles and videos in question.

In 2020, entrepreneurs Nasser Ziane and Nabil Nouaydi, sons of renowned lawyers critical of the authorities, were arrested and prosecuted on various charges including “counterfeiting a trademark.” The two men were kept in pretrial detention without a detailed justification for six months, then convicted after a trial of the offense. Ziane was sentenced to three years in prison and Nouaydi to ten months.

Nasser Ziane is the son of attorney Mohamed Ziane, who defended high-profile dissidents including protest leader Nasser Zefzafi and journalist Taoufik Bouachrine – they were sentenced to 20 and 15 years in prison, respectively – and had been harassed for years by the authorities. Nabil Nouaydi is the son of Abdelaziz Nouaydi, a foremost human rights lawyer in Morocco who defended many state critics, and who also served as a member of Human Rights Watch’s Middle East and North Africa advisory committee.

In separate interviews they gave to Human Rights Watch, both lawyers Nouaydi and Ziane said they suspected that their sons’ arrests and trials were in retaliation against their own political positions and an indirect means to pressure them into stopping or muting their opposition to the regime.

## Targeting Finances

In March 2020, the Moroccan government ordered newspapers to stop printing and distributing paper copies as a way of minimizing social interactions and fighting the Covid-19 pandemic and created a compensation fund to pay for salaries of journalists.<sup>20</sup> Hundreds of journalists in Morocco, including those of critical daily *Akhbar Al-Yaoum*, benefited from that mechanism until October 2020. That month, salary payments by the fund to *Akhbar Al-Yaoum* alone stopped.<sup>21</sup> The government never explained that discrimination or reinstated the salaries.

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<sup>20</sup> Kaouthar Oudrhiri, “Médias : la presse prise à la gorge par le coronavirus,” *TelQuel*, March 25, 2020, [https://TelQuel.ma/2020/03/25/la-vague-de-coronavirus-met-en-peril-le-secteur-de-la-presse\\_1675500](https://TelQuel.ma/2020/03/25/la-vague-de-coronavirus-met-en-peril-le-secteur-de-la-presse_1675500) (accessed March 4, 2022).

<sup>21</sup> “نقطة نظام.. الجحيم مع الفردوس,” *Akhbar Al-Yaoum*, December 9, 2020, <https://alyaoum24.com/1483993.html> (accessed March 4, 2022).

Combined with a state-led advertisement boycott against the paper, this was the financial *coup de grâce* after a decade-long harassment campaign against the newspaper including the imprisonment of its publisher Taoufik Bouachrine and the detention of editor-in-chief Soulaïman Raïssouni.<sup>22</sup> *Akhbar Al-Yaoum* announced its closure on March 14, 2021.<sup>23</sup>

In 2018, the Ministry of Agriculture awarded human rights defender Fouad Abdelmoumni an investment grant of about US\$30,000 to develop agriculture and livestock-raising activities in a farm he owns near Rabat. About two years later, the money had still not posted in Abdelmoumni's bank account. He followed up many times, including in writing and through 13 in-person visits to the ministry, but no one ever answered his letters or accepted to receive him or tell him about his grant's status. As of April 2022, Abdelmoumni still has not received the money, he told Human Rights Watch.

## Conclusion

As discussed above, the Moroccan authorities' "playbook" to muzzle critics of the state includes multiple, varied, and aggressive tactics.

Some of those, such as covert video surveillance in peoples' private homes physical assaults on targets, or acts of intimidation against them or their relatives, are hard to trace back to state-linked perpetrators.

Other playbook tactics, including the launching of slander campaigns against dissidents in pro-Makhzen websites, are arguably unethical or unsavory but not necessarily illegal under Moroccan law. It is also difficult to prove that the state has a direct hand in such campaigns. However, judging by what these websites publish, they seem to be fully aligned, and sometimes even work in tandem, with Morocco's security establishment. This conclusion is supported also by what they do not publish – they never target powerful Makhzen figures for denigration or character assassination.

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<sup>22</sup> Kaouthar Oudrhiri, "Dans le rouge, le journal Akhbar Al Yaoum joue sa survie," *TelQuel*, February 10, 2020, [https://TelQuel.ma/2020/02/10/dans-le-rouge-le-journal-akhbar-al-yaoum-joue-sa-survie\\_1668442](https://TelQuel.ma/2020/02/10/dans-le-rouge-le-journal-akhbar-al-yaoum-joue-sa-survie_1668442) (accessed March 4, 2022); Ahmed Benchemsi, "Tribune. La tragique saga d'« Akhbar al-Yaoum », dernier journal indépendant au Maroc," April 1, 2021, *L'Obs*, <https://www.nouvelobs.com/monde/20210401.OBS42208/tribune-la-tragique-saga-d-akhbar-al-yaoum-dernier-journal-independant-au-maroc.html> (accessed March 4, 2022).

<sup>23</sup> "بيان حول أسباب توقف جريدة "أخبار اليوم" عن الصدور," *Akhbar Al-Yaoum*, March 14, 2021, <https://www.akhbarona.com/national/322351.html> (accessed March 4, 2022).

As for cases that make it to courtrooms and land the targeted individuals in prison, some are based on recognizable, serious criminal charges, which warrant punishment when culpability is sufficiently proven in a fair trial. However, as this report documents, the trials in question are marred, from the suspects' arrests to the verdicts pronounced against them, by multiple violations of due process and fair trial guarantees. There are other cases where the charges themselves are inherently in violation of human rights and should never have been brought regardless of the facts in the case.

The tactics listed complement each other in what can be described as an ecosystem of repression, aiming not only to muzzle individuals or media institutions that the authorities deem troublesome, but also to deter all potential state critics from speaking out.

Morocco's "playbook" is not just a menu of tactics. It is a comprehensive methodology to muzzle dissent.

## Recommendations

### To Moroccan Authorities

The Moroccan authorities should respect the right of peaceful expression and privacy and halt the systematized use of a range of methods that are designed to muzzle and intimidate dissidents while disguising the fact that these are in fact reprisals for their dissident speech or activities.

The authorities should end the use of methods intended to muzzle and intimidate critical journalists, human rights defenders, and civil society activists, including:

- Orchestrated campaigns of character assassination and privacy violations in news websites that systematically support the authorities and specialize in maligning dissidents;
- Surveillance of dissidents, including via
  - physically trailing them,
  - apparent planting of video cameras in their private homes or offices,
  - apparent infection of their smartphones with spyware programs;
- Physical attacks on dissidents or on their physical property;
- Targeting family members of dissidents with abusive police or judicial action;
- Apparently politically-motivated financial investigations against dissidents, or other unfair administrative measures targeting their finances.

Morocco's highest executive authorities should reform the country's security and intelligence agencies, in a way that subjects them to independent oversight, and guarantee the transparency of such oversight, and of their operations, in accordance with international human rights standards.

The recommendations we make below, if implemented, will not prevent Moroccan authorities from prosecuting any individual for which there is credible and compelling evidence of having committed an offense that is widely recognized as a genuinely criminal act.



## To Morocco's Parliament

Several Moroccan laws inherently violate international human rights laws, including the rights to freedom of expression, privacy, health, and nondiscrimination, guaranteed by the International Covenant on Civil and Political Rights (ICCPR), which Morocco ratified in 1979 and the Convention on the Elimination of All Forms of Discrimination against Women which Morocco ratified in 1993.

### **The Moroccan parliament should:**

- Repeal article 489 of the penal code, which prohibits consensual same-sex relationships between adults and subjects them to prison penalties;
- Repeal article 490 of the penal code, which prohibits consensual sexual relationships between non-married adults and subjects them to prison penalties;
- Repeal article 491 of the penal code, which prohibits adulterous relationships between adults married to other persons, and subjects them to prison penalties;
- Fully decriminalize abortion, including repealing article 454 of the penal code which criminalizes “intentionally obtaining an abortion.”

Other Moroccan laws are worded too vaguely, and thereby risk being used to criminalize acts that should not be criminalized, including acts of peaceful expression. The broad wording of these laws opens the door to arbitrary interpretations by judges, preventing a person from reasonably predicting what acts will be considered crimes.

### **The Moroccan parliament should:**

- Amend article 191 of the penal code, which forbids “harming external state security by maintaining an intelligence relationship with agents of a foreign authority with the purpose or effect to harm the diplomatic situation of Morocco.” Article 191 should be amended in such a way as to define the crime of espionage in a narrow and precise manner consistent with international law and standards;
- Abolish or amend article 206 of the penal code, which forbids “harming state internal security by receiving remuneration from a foreign entity for an activity or propaganda that could shake the loyalty that citizens owe to the state and the institutions of the Moroccan people.” If amended, the new version of this article should define “harming state internal security” in a narrow and precise manner consistent with international law and standards.

Nonviolent speech offenses are still criminalized by law in Morocco, under the press code or under the penal code, in a way that conflicts with Morocco's obligations to respect freedom of expression under the ICCPR.

**The Moroccan parliament should:**

- Repeal laws
  - on causing harm to the monarchic regime and Islam (penal code article 267.5 and press code article 71),
  - on defaming or insulting or touching on the private life of the king or crown prince or royal family, showing a lack of reverence or respect due the king (penal code article 179, as revised in 2016, press code article 71),
  - on insulting state institutions (penal code article 265).

At the very least, Parliament should abolish the prison terms that the penal code imposes as one possible punishment for these offenses;

- For those offenses in the penal and press code that derive from criteria for restricting speech that the ICCPR does permit under articles 19(3) and 20, Parliament should narrow and clarify the definition of each offense so that (1) it is formulated with sufficient precision to enable the citizen to regulate his or her conduct and (2) it is defined narrowly so as to meet a need that is necessary in democratic society, such as to prohibit incitement to violence, as specified in the United Nation's Rabat Plan of Action.<sup>24</sup> Those offenses that require narrowing and clarifying include:
  - *Inciting against territorial integrity* (penal code article 267.5 and press code 71): If Morocco is to retain a speech offense relating to "inciting against territorial integrity," legislators should define it with sufficient precision so it applies only to speech that constitutes incitement to use violence or physical force, and clearly excludes peaceful advocacy for self-determination for Western Sahara,
  - *Insulting a state agent whilst performing his duties* (penal code article 263 and press code 72): Legislators should either abolish this offense or

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<sup>24</sup> "The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence," Office of the United Nations High Commissioner for Human Rights, October 5, 2010, <https://www.ohchr.org/en/freedom-of-expression#:~:text=The%20Rabat%20Plan%20of%20Action%20on%20the%20prohibition%20of%20advocacy,Bangkok%20and%20Santiago%20de%20Chile> (accessed April 26, 2022).

redefine it so that any restrictions it imposes on speech are both necessary and proportionate to protect genuine threats to public order, and cannot be used to punish protected, peaceful criticism of public officials and institutions, no matter how virulent,

- *Speech that casts discredit on court decisions and that can harm the authority and independence of the judiciary* (penal code article 266): Legislators should either abolish article 266 or revise it to ensure that any restrictions on judiciary-related speech are both necessary and proportionate to shielding the judiciary from interference with its independence. The revised article should protect the right to criticize and comment on court verdicts and on the judiciary as an institution, in whole or in part, so long as the speech does not constitute a deliberate and credible attempt to influence a court verdict from outside the courtroom.

## To the Prosecuting Authorities in Morocco

Until Parliament abolishes laws that are inconsistent with international norms protecting the right to freedom of expression, or until the Constitutional Court has ruled on the conformity of such laws with the constitution's protections of that right, prosecuting authorities should refrain from prosecuting persons for nonviolent speech under these laws.

Moroccan prosecutors should refrain from including personal information, including information on health, sexuality, and personal finances of individuals, in their public communications on cases tried before courts, even if such information is relevant to the court cases in question; tribunals can discuss such information in courtrooms insofar as it is relevant to the tried cases.

Morocco's prosecuting authorities should investigate and act upon reports of unlawful surveillance of journalists, political activists, and human rights defenders to ensure that their right to freedom of expression, peaceful assembly and association are respected and protected. They should open a wider independent inquiry into the use of internet monitoring and intrusion software in Morocco, to assess their compliance with Morocco's domestic and international human rights obligations and make publicly available any findings related to the above inquiry.

## To Moroccan Judicial Authorities

Moroccan courts are complicit in these abuses by violating the due process rights of defendants caught up in this web of repression and convicting them after unfair trials.

### **Moroccan judicial authorities should:**

- Guarantee fair trial proceedings for every individual appearing in a tribunal, including dissidents and other critics of the monarchy and State policies;
- Uphold “equality of arms,” the principle that the defense and the prosecution have a fair balance in their opportunities to present their cases, during all trials, including those of dissidents, and challenge the witnesses and evidence against them;
- End extended pretrial detentions unless these are justified by written, individualized justification by the court and subjected to prompt and regular judicial reviews by a court independent of the court that ordered the detention. Pretrial detention should be an exception, not the rule;
- Lift court-imposed obstacles to defendants obtaining access to their own case files in their entirety from the earliest possible moment;
- End the practice of failing to duly notify defendants in advance of sessions of their own court cases.
- End the practice of denying defense motions to present evidence and witnesses, as long as that evidence and those witnesses are potentially relevant to determining the guilt or innocence of the defendants;
- Allow defense lawyers to cross-examine prosecution or third-party witnesses when their testimony may potentially be used by the court to determine the guilt of the defendants;
- End the practice of pressurizing and intimidating individuals to testify against defendants.

## To the European Union and Its Member States, and Other Foreign Allies

### **Including the United States and the United Kingdom:**

- Publicly denounce the Moroccan authorities’ repressive playbook and urge Moroccan authorities to end their harassment of dissidents and perceived critics, and respect their international human rights obligations, as also requested by

article 2 of the EU-Morocco Association Agreement, which conditions European assistance to Morocco's "respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights."<sup>25</sup> This starts with connecting seemingly isolated acts and recognizing them as elements of a repressive playbook, and breaking the silence about it, going beyond timid official statements;

- Express and provide support to Moroccan activists and journalists, in line with the EU Human Rights Guidelines on Freedom of Expression, on Human Rights Defenders, and with the EU's Action Plan on Human Rights and Democracy;<sup>26</sup>
- Through diplomatic representations, closely monitor the use of common criminal charges against dissidents and critical media professionals;
- Urge Morocco to ensure that all those facing criminal charges, including dissidents, benefit from their due-process rights throughout the judicial process;
- Press Morocco to allow all media to report freely and critically on all subjects of public interest;
- Seek information about cases involving Moroccan dissidents from diverse sources, including independent, credible civil society actors;
- When possible, dispatch monitors to observe trials and publicly criticize violations of due-process rights and verdicts based on dubious evidence;
- When the evidence warrants, communicate to Moroccan authorities, including through public statements, that criminal charges formulated against dissidents are considered dubious and politically motivated.

## To Foreign Countries Exporting Surveillance Technology:

Halt all sales, exports, and transfers of all surveillance technologies to Morocco, pending the results of an inquiry on reports of unlawful Internet monitoring, software intrusion, and other forms of digital surveillance of journalists, political activists, and human rights

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<sup>25</sup> "EURO-MEDITERRANEAN AGREEMENT establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part," Official Journal of the European Communities, 18/3/2000, [https://eur-lex.europa.eu/resource.html?uri=cellar:ecefc61a-c8d6-48ba-8070-893cc8f5e81d.0006.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:ecefc61a-c8d6-48ba-8070-893cc8f5e81d.0006.02/DOC_1&format=PDF) (accessed April 4, 2022).

<sup>26</sup> "EU Human Rights Guidelines on Freedom of Expression Online and Offline," FOREIGN AFFAIRS Council meeting, Brussels, 12 May 2014, <https://www.consilium.europa.eu/media/28348/142549.pdf> (accessed April 4, 2022); "EU action plan on human rights and democracy 2020 – 2024," [https://www.eeas.europa.eu/sites/default/files/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_2020-2024.pdf](https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf) (accessed April 4, 2022)

defenders, and ensure there are appropriate controls to prevent the use of private surveillance industry products to facilitate human rights abuses.

## Methodology

This report examines eight cases of police and/or judicial harassment targeting known Moroccan dissidents, and two cases targeting independent media institutions.

In addition to the eight primary individual targets, these cases also involve about twenty “secondary targets”: family members, associates, colleagues, defense witnesses in court cases, and individuals otherwise connected to the primary targets.

This report examines in detail 12 cases tried by Morocco courts.

Between September 2019 and June 2022, Human Rights Watch interviewed 89 people inside and out of Morocco. These included 25 human rights defenders and social and political activists, 21 lawyers, 18 journalists, 15 individuals who were subjected to police or judicial harassment in Morocco, seven family members and close friends of the targeted individuals, and three witnesses in trials of activists.

Interviews were conducted in person or through messaging apps, and in rare cases via telephone. Research for this report was conducted during the Covid-19 pandemic, taking precautions to minimize the risk of transmission.

All interviewees named in this report were informed of the purpose of their interview, the ways in which the information would be used, and were offered anonymity in our reporting. The report withholds identifying information for some interviewees, at their request or at Human Rights Watch’s initiative, to protect their privacy and security. None of the interviewees received financial or other compensation for speaking with us.

Human Rights Watch also attended 19 trial sessions of various dissidents in Casablanca and Rabat, reviewed hundreds of pages of judicial case files, and read hundreds of news articles and other texts, including official communiques by Moroccan prosecutors and other officials.

On April 1, 2022, Human Rights Watch emailed letters to the websites Chouftv.ma, Barlamane.com and fr.le360.ma, asking them to address allegations that they work in coordination with Morocco’s security services, and other related questions. Human Rights Watch received an answer from Le360 on April 14. At press time, it did not receive answers from the other two websites.



## Background

### A Judicial System Under Control

Article 107 of Morocco's 2011 constitution provides that "the judicial power is independent of the legislative power and the executive power." However, this article is contradicted by the way the Superior Council of Judiciary Power functions.

This official body, which the constitution set up and entrusted with "applying the guarantees granted to judges, in particular as regards their independence," is presided over by the king who is not a ceremonial head of state, but rather the effective, executive ruler of Morocco.<sup>27</sup> All the Council's decisions pertaining to the careers of magistrates are enacted by *dahirs* (royal decrees), which cannot be challenged in court and are not subject to any kind of appeal. All court decisions in Morocco are taken "in the name of His Majesty the King," whose portrait hangs in all courtrooms behind the dais where the judges sit.

In its articles 65 to 78, the Constitution tasks the Superior Council of Judiciary Power with exclusive powers to appoint, transfer, promote, and sanction judges. Article 115 of the constitution gives the king power to name half the Council's members. While the other half are elected magistrates, their careers, from their appointment to their dismissal, is also controlled by this same Council and *in fine*, by the king.

In 2009, judge Jaafar Hassoune, the initiator of a short-lived "Moroccan Association for the Defense of the Independence of Magistrates" who openly denounced the lack of independence of Moroccan courts and explained its mechanisms to the press, was fired from the judiciary, and prevented from passing the bar exam to become a lawyer. In a profile of Hassoune titled "Morocco, the revolt of a judge" published in 2009, the French newspaper *Le Monde* wrote: "Suspended, blamed, arbitrarily transferred, and finally struck off the bench, Jaafar Hassoune paid dearly for his fight for the independence of Moroccan justice."<sup>28</sup>

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<sup>27</sup> Morocco Constitution, art. 113, available at <https://mjp.univ-perp.fr/constit/ma2011.htm#7>

<sup>28</sup> Florence Beaugé, "Au Maroc, la révolte d'un juge," *Le Monde Afrique*, March 16, 2011, [https://www.lemonde.fr/afrique/article/2011/03/16/au-maroc-la-revolte-d-un-juge\\_1493828\\_3212.html](https://www.lemonde.fr/afrique/article/2011/03/16/au-maroc-la-revolte-d-un-juge_1493828_3212.html) (accessed March 4, 2022).



A member of the Moroccan security forces outside a court in Sale near the capital Rabat on November 14, 2019. © 2019 Fadel Senna / AFP via Getty Images

Scholars and political scientists have imputed the presumed manipulation of the justice system in Morocco to the Makhzen – as explained above, an unofficial network of power holders tied to the king and his cronies by impalpable links of allegiance, patronage and clientelism.<sup>29</sup>

French social scientist Alain Claisse defined the Makhzen as “a mode of government of men.”<sup>30</sup> Moroccan political scientist Mohamed Tozy wrote that the Makhzen is “a way of being and doing, which inhabits the words, spices up the dishes, fixes the form and content of the relationship between the ruler and the ruled.”<sup>31</sup>

According to some analysts, the Makhzen acts from the shadows by reportedly giving oral instructions to state servants in various administrations, including police and justice

<sup>29</sup> See footnote 14.

<sup>30</sup> Hibou, Béatrice, and Mohamed Tozy, “De la friture sur la ligne des réformes. La libéralisation des télécommunications au Maroc,” *Critique internationale*, volume no. 14, no. 1, 2002, pp. 91-118, <https://www.cairn.info/revue-critique-internationale-2002-1-page-91.html>.

<sup>31</sup> Ibid.

operatives.<sup>32</sup> Those instructions, which often violate laws and bypass formal institutional hierarchy, are primarily meant to serve the perceived interests of the Makhzen, or to attack its perceived enemies.

The Moroccan magazine *TelQuel* published a 12-page article titled “Justice: la machine infernale” in November 2005, which charged that Justice Ministry officials who report directly to the royal palace systematically interfere in court cases that have a political dimension, including those where journalists are defendants.<sup>33</sup> The same officials give “telephone instructions” and dictate verdicts to judges, the magazine wrote, quoting about 20 judges and prosecutors. The magistrates chose to remain anonymous for fear of retaliation against them, but provided multiple details, verified by the journalists, about the cases on which they testified. In March 2010, the Moroccan magazine *Nichane* published a similar cover story titled “Judges Testify on the Corruption of the Justice System.”<sup>34</sup>

## Speech Laws: A Reform for Nothing

Shortly before the death of former King Hassan II in 1999, the Moroccan press started experiencing its “spring.”<sup>35</sup> Private, independent magazines and newspapers exposed corruption, criticized state dirigisme, and published daring cover stories on once-taboo subjects such as the king and royal family, Islam and religious mores, Western Sahara, and sexuality.

The Moroccan press’s newfound audacity was accompanied by recurrent crackdowns. During the 2000s, newspapers and magazines were regularly confiscated, journalists were jailed, and subjected to unfair trials with disproportionate fines and advertising boycotts

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<sup>32</sup> Mohamed Daadaoui, “The Makhzen and State Formation in Morocco,” in *Moroccan Monarchy and the Islamist Challenge* (London : Palgrave Macmillan, 2011), p. 41-70, [https://link.springer.com/chapter/10.1057/9780230120068\\_3?noAccess=true](https://link.springer.com/chapter/10.1057/9780230120068_3?noAccess=true)

<sup>33</sup> « Justice, la machine infernale », *TelQuel*, n° 198 November 5 2005, online archive accessible on <https://TelQuel.ma/sommaire/justice-la-machine-infernale>. The director of *TelQuel* at the time this article appeared was Ahmed Benchemsi, who is director of communication for the Middle East and North Africa at Human Rights Watch.

<sup>34</sup> *Nichane*, issue number 245, March 26-April 1, 2010.

<sup>35</sup> Ahmed Benchemsi, “Presse : Le Printemps Perdu,” *Le Blog de Ahmed Benchemsi*, December 28, 2013, <http://ahmedbenchemsi.com/presse-le-printemps-perdu/> (accessed March 4, 2022).

orchestrated by the royal palace.<sup>36</sup> By the early 2010s, many daring magazines and papers of the previous decade had been closed and their founders driven to exile.

The most highly publicized trials against journalists or newspapers from 2000 to the mid-2010s were for speech-based offenses. In application of repressive press laws, Moroccan journalists were convicted for offending the king or state institutions, defaming high-ranking officials, or denigrating the judiciary. Rappers and ordinary citizens were also convicted for insulting the king or the police on social media.

In 2016, Morocco's Parliament passed a new Press and Publications Code that eliminated prison time as punishment for speech offenses.<sup>37</sup> The former code, in contrast, imposed prison as punishment for a range of offenses that included insulting the king or members of his family, causing prejudice to the monarchic regime, Islam, or Morocco's territorial integrity, maliciously publishing false news, and defaming persons or state institutions.

However, the 2016 prison-free press code cannot be viewed in isolation from the penal code, which continues to punish with prison a range of nonviolent speech offenses, whether committed by journalists or non-journalists. In fact, Parliament adopted in 2016, in tandem with the then-new press code, additions to the penal code that criminalized "causing harm" to Islam and the monarchy, giving offense to the king or members of the royal family, and inciting against territorial integrity, to be punished by prison and/or a fine.<sup>38</sup>

On top of these new provisions, the penal code maintained prison terms for a range of speech offenses. Those include defaming state institutions, insulting public agents who are performing their duties, praising terrorism, inciting hatred or discrimination, and denigrating court decisions with the intent to undermine the authority or independence of the judiciary. Many of these offenses are defined broadly, increasing the risk that judges will use them to suppress speech.

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<sup>36</sup> Leila Slimani, "'Nichane,' une mort et plusieurs explications," *Jeune Afrique*, October 13, 2010, <https://www.jeuneafrique.com/194500/politique/nichane-une-mort-et-plusieurs-explications/> (accessed March 4, 2022).

<sup>37</sup> The Press and Publications Code, Law 88.13, published in the Official Journal, no. 6491, August 15, 2016, pp. 5966-5987, hereinafter the press code, [http://www.sgg.gov.ma/Portals/1/BO/2016/BO\\_6491\\_Ar.PDF?ver=2016-08-18-141835-253](http://www.sgg.gov.ma/Portals/1/BO/2016/BO_6491_Ar.PDF?ver=2016-08-18-141835-253) (accessed October 27, 2016).

<sup>38</sup> Law 73.15 amending the penal code, published in the Official Journal, no. 6491, August 15, 2016, pp. 5992-5993, [http://www.sgg.gov.ma/Portals/1/BO/2016/BO\\_6491\\_Ar.PDF?ver=2016-08-18-141835-253](http://www.sgg.gov.ma/Portals/1/BO/2016/BO_6491_Ar.PDF?ver=2016-08-18-141835-253) (accessed October 27, 2016).

## The Evolution of Criminal Charges

Throughout the past two decades, Human Rights Watch and other watchdogs have documented how Moroccan courts convicted dozens of journalists, and imposed costly judgments against media outlets, or suspended them, on various speech-based charges.<sup>39</sup>

Today, internet commentators or street protesters continue to face prosecution for exercising their right to express themselves. In 2021, social media critics Chafik Omerani, Mustapha Semlali, Jamila Saadanem, and Ikram Nazih, and protester Nouredine Aouaj were sentenced to prison terms for criticizing public figures or Islam.<sup>40</sup>

Since the mid-2010s, Moroccan authorities increased their accusations and prosecutions of higher-profile journalists and activists for non-speech crimes such as extramarital sex and abortion, which are based on laws that violate international human rights, including the right to privacy. The late 2010s saw the use of a different type of charges against critics: money laundering, espionage, rape, or sexual assault, and even human trafficking.

## The Pro-Makhzen Media Ecosystem

The 2010s in Morocco saw the rise of a new type of news website. Systematically aligned on the presumed interests of the Makhzen, they ceaselessly praise the king and power holders close to the royal palace, especially high-level security officials, and specialize in maligning state critics. Internet viewership figures show those outlets dominate Morocco's media landscape today.<sup>41</sup> Driss Chahtane, the director of Chouf TV, the most prominent of

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<sup>39</sup> "Morocco: Prosecution of Independent Newsweeklies," Human Rights Watch press release, May 8, 2006, <https://www.hrw.org/news/2006/05/08/morocco-prosecution-independent-newsweeklies>

<sup>40</sup> Latifa Babas, "Moroccan YouTuber «3robi F Merican» sentenced to 3 months in prison," *Yabiladi*, March 25, 2021, <https://en.yabiladi.com/articles/details/107703/moroccan-youtuber-3robi-merican-sentenced.html> (accessed March 4, 2022); Mohammed Jaabouk, "Maroc : «Allal El Kadouss» condamné à 2 ans de prison pour «atteinte à la monarchie»," *Yabiladi*, July 10, 2021, <https://www.yabiladi.com/articles/details/112186/maroc-allal-kadouss-condamne-prison.html> (accessed March 4, 2022); Euro-Med Human Rights Monitor, "Morocco: Arresting youtuber comes in line with an established policy of muzzling mouths," August 25, 2021, <https://euromedmonitor.org/en/article/4582/Morocco-Arresting-youtuber-comes-in-line-with-an-established-policy-of-muzzling-mouths> (accessed March 4, 2022); Redazione Cronache, "Ikram Nazih, liberata la studentessa italo-marocchina in carcere in Marocco," *Corriere*, August 23, 2021, [https://www.corriere.it/cronache/21\\_agosto\\_23/ikram-nzihi-liberata-studentessa-carcere-marocco-2b7fc5f6-041f-11ec-aac8-7fb5454b9a60.shtml?refresh\\_ce](https://www.corriere.it/cronache/21_agosto_23/ikram-nzihi-liberata-studentessa-carcere-marocco-2b7fc5f6-041f-11ec-aac8-7fb5454b9a60.shtml?refresh_ce) (accessed March 4, 2022); Ghita Zine, "Maroc : Le militant Nouredine Aouaj condamné à deux ans de prison," *Yabiladi*, July 29, 2021, <https://www.yabiladi.com/articles/details/112884/maroc-militant-nouredine-aouaj-condamne.html> (accessed March 4, 2022).

<sup>41</sup> "Top Sites in Morocco," Alexa by Amazon, <https://www.alexa.com/topsites/countries/MA> (accessed March 4, 2022).

those websites, was appointed president of Morocco's national media association in June 2022.<sup>42</sup>

On July 16, 2020, several media and internet platforms published a text titled “Moroccan Journalists’ Manifesto Against Defamation Media.”<sup>43</sup> Signed by 110 Moroccan journalists, the text said: “Whenever the authorities have pursued a critical voice, certain sites and newspapers have hastened to write defamatory articles without any professional ethics, even violating the laws organizing the press in Morocco.”

The manifesto called on public authorities, press union organizations, and a collective of Moroccan advertisers to take measures to curtail support to platforms “whose editorial line is to attack voices that bother certain individuals who are close to power circles.” Such measures, they argued, would help to “put an end to ... defamation, insults, and calumny against (independent) journalists and public figures.”

In May 2020, journalist Hicham Mansouri, who obtained asylum in France after years of harassment in Morocco (see details of his case in the next chapter) published an investigative article exposing the authorities’ targeting of Moroccan critics.<sup>44</sup> In it, Mansouri wrote that “secret services exert an increasingly strong hold on political life, by manipulating media specialized in lies and defamation.”

## Dissidents Are Prime Targets

Exposing the private life of a public person, whether a top politician or a famous activist, is not necessarily objectionable in itself. As unsavory as such journalistic coverage might be, it falls under the right of the media, regardless of the ideas they defend or parties they might be associated with, to freedom of expression. At the same time those affected should have an effective protection of their right to privacy and related rights, considering that this may be more limited for those who choose to be in public life. Morocco has anti-

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<sup>42</sup> “Driss Chahtane nommé président de l’Association nationale des médias et des éditeurs,” *TelQuel-ma*, June 23, 2022

<sup>43</sup> “Au Maroc, 110 journalistes se mobilisent contre les « médias de diffamation »,” *Le Monde Afrique*, July 16, 2020, [https://www.lemonde.fr/afrique/article/2020/07/16/au-maroc-110-journalistes-se-mobilisent-contre-les-medias-de-diffamation\\_6046424\\_3212.html](https://www.lemonde.fr/afrique/article/2020/07/16/au-maroc-110-journalistes-se-mobilisent-contre-les-medias-de-diffamation_6046424_3212.html) (accessed March 4, 2022); En Toutres Lettres, “Manifeste: Des journalistes marocains contre les médias de diffamation,” July 16, 2020, <https://etlettres.com/manifeste-des-journalistes-marocains-contre-les-medias-de-diffamation/> (accessed March 4, 2022).

<sup>44</sup> Orient XXI, “Maroc. Cette « stratégie sexuelle » qui lamine les journalistes,” July 16, 2020, <https://orientxxi.info/magazine/maroc-cette-strategie-sexuelle-qui-lamine-les-journalistes,3987> (accessed March 4, 2022).

defamation laws, which individuals may be able to use to defend these rights. However, several dissidents interviewed by Human Rights Watch said they saw no point in pressing defamation charges against pro-Makhzen media because they are convinced Moroccan courts will never do them justice in such cases.

Morocco's pro-Makhzen media do not attack all public persons in the same way. Though some entertainment celebrities sometimes experience sensationalist coverage of their private lives in these websites, many of the individuals they target are those deemed opponents of the state, especially journalists and activists. More significantly, they never target powerful Makhzen officials, especially royal palace insiders and top security officials, by defamatory or sensationalist articles – or even par articles merely criticizing their public policies.

Critical press coverage of powerful figures, including sometimes of their private lives, was frequent in the 2000s. However, the state harassed the media that carried out this kind of coverage, hastening their demise.<sup>45</sup> Today, such coverage has completely disappeared from the Moroccan media scene, at the same time as pro-Makhzen websites increasingly maligned critics of the state authorities.<sup>46</sup>

## Dissidents Are More Afraid of Slander Than of Prison

Many Moroccan critics of the authorities told Human Rights Watch that even in the absence of direct police or judicial action against them, the prospect of being subjected to defamation in pro-Makhzen outlets deters them and promotes self-censorship. “When you see your name and your private information exposed on there, you think twice before taking public positions again,” a Moroccan critic told Human Rights Watch. He spoke anonymously, for fear of further retaliation by such online outlets and the police, which he says, “work hand-in-hand.”

“In Morocco, reputation is like glass,” academic Maati Monjib, a frequent target of defamatory stories himself, told the French daily *Le Monde* in April 2021. “When it breaks,

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<sup>45</sup> Ahmed Benchemsi, “Morocco and Press Freedom: A Complicated Relationship,” Nieman Reports, September 8, 2011, <https://niemanreports.org/articles/morocco-and-press-freedom-a-complicated-relationship/> (accessed March 4, 2022).

<sup>46</sup> Benchemsi, “Tribunue. La tragique saga d'« Akhbar al-Yaoum »,” April 1, 2021, L'Obs; Amar, “‘Barlamane’: enquête sur une machine à salir,” Le Desk, October 24, 2017.

you can't put it back together. The police know it. People are more afraid of libel than of prison. Today, slander, especially in relation to sex and money, has become the foremost way to pressure politicians and journalists.”<sup>47</sup>

Between June 7 and September 15, 2020, in the period spanning shortly before and after the arrest of journalist Omar Radi, Human Rights Watch counted at least 136 articles personally attacking Radi, his family, and his supporters on the Moroccan news websites Chouf TV, Barlamane, and Le360, in their Arabic and French versions.

On July 4, 2021, Human Rights Watch counted 645 articles mentioning Maati Monjib, with overwhelmingly insulting content and frequent references to his private life, including details Monjib described as slanderous regarding his personal finances, health, and sexuality. The articles appeared since 2015 in Arabic and French on eight online news websites known for systematically aligning with Moroccan authorities and maligning state critics. There are many other such websites or print newspapers.

The articles reviewed by Human Rights Watch often included vulgar insults and personal information. The information included banking and property records, screenshots of private electronic conversations, allegations about sexual relationships and threats to expose them, identities of roommates, and biographical details on the targeted individuals sometimes going as far back as their childhood, complete with private information on their parents and other family members. One such article featured an incriminating photomontage of a target, and what looks like an excerpt of a police report featuring private text messages with a female interlocutor.<sup>48</sup>

An article published on April 8, 2021, in the *New York Review of Books* stated, “Sites such as these (...) have an uncanny ability to predict charges that have not yet been brought, and their cameramen are often present at the scene of arrests. They specialize in venomous smear campaigns against dissidents, and they have access to details about

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<sup>47</sup> Frédéric Bobin, “Au Maroc, le climat répressif se durcit contre la presse,” *Le Monde*, [https://www.lemonde.fr/afrique/article/2021/04/16/au-maroc-le-climat-repressif-se-durcit-contre-la-presse\\_6077002\\_3212.html](https://www.lemonde.fr/afrique/article/2021/04/16/au-maroc-le-climat-repressif-se-durcit-contre-la-presse_6077002_3212.html) (accessed March 4, 2022).

<sup>48</sup> Mohammed al-Boudali, “محادثات فاحشة في الواتساب من توفيق بوعشرين إلى الفتيات,” *Cawalissee*, March 10, 2018, <https://www.cawalissee.com/38906.html> (accessed March 4, 2022).



ongoing police investigations and personal information that could only be obtained through surveillance.”<sup>49</sup>

### **“The Sex Angle”**

In a lengthy article published in 2015, dissident academic Maati Monjib wrote that pro-Makhzen media regularly use non-marital sex, which is a crime in Morocco punishable by up to one year in prison, as an “angle” to smear the reputation of Moroccan dissidents.<sup>50</sup>

The sex angle, Monjib noted, was mostly used against critics of the Makhzen with an Islamist background. Since they “find most of their support in conservative social circles which usually attach great importance to religious morals,” he argues. “There is no better way to tarnish [their] image in society and showcase [their] so-called hypocrisy than to publicly display photos or videos featuring known members of an [Islamist] organization in positions shocking to public decency.”

Denouncing such “hypocrisy” can arguably have news value given the public pro-“morality” stance of some of the targets, but this has to be put in perspective with the complete absence of such coverage when it comes to powerful figures, particularly those from the royal palace or security services.

Usually the photographic or video material is first published on one of the aforementioned ‘news sites’ or directly on YouTube. Then, given the interest it inevitably arises in the general public, the material is picked up in the mainstream online press. [...] The case spreads quickly before the victims can react. It becomes a topic of discussion on social networks and in cafes in Casablanca, Rabat, and even the most remote villages. The damage is thus done, and the denials of the victims can do nothing [to repair it.] It can break the career of an opponent.

Monjib mentioned the case of a prominent female Islamist activist. In 2011, a pro-Makhzen website published pictures of the married woman walking in a street with a man in a street

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<sup>49</sup> Lindsey, “Me Too in Egypt & Morocco,” *New York Review of Books*, April 8, 2021.

<sup>50</sup> Under penal code articles 490 for unmarried couples and 491 for adultery. See Maati Monjib, “Traquenards et calomnies contre les dissidents au Maroc,” *Orient XXI*, October 2015, <https://orientxxi.info/magazine/traquenards-et-calomnies-contre-les-dissidents-au-maroc,0847> (accessed March 4, 2022).

in Greece, alleging that the two were lovers. She “retired from political life since that assault on her and her family,” Monjib commented. The same “angle” was used against two prominent members of Et-Tawhid Wal-Islah, a religious association linked to the Islamist Justice and Development party, who were “found in a sexual position” in a car by the beach.<sup>51</sup>

Since then, pro-Makhzen media outlets have used sexual or morality-related offenses to discredit figures that went beyond religious scholars or members of Islamist political parties including journalists and human rights defenders.

## Official Springboard

On February 3, 2022, the Maghreb Arabe Presse (MAP) Morocco’s official news wire service, published an article lambasting Javier Otazu, the former Morocco correspondent of the Spanish news agency EFE, who had recently published a book critical of Morocco’s increasingly authoritarian policies.<sup>52</sup> The MAP article heavily quoted a profile of Otazu by a website considered as part of the pro-Makhzen media. The article mentioned Otazu’s “hatred of Morocco” and explained the Spanish journalist’s bitterness as caused by “his marriage to a Moroccan with whom he had two children ... who live with their mother after a tumultuous divorce.” While such comments were expected from a pro-Makhzen website, it was noteworthy that Morocco’s state news agency relayed them in four languages.

This is just one example of how pro-Makhzen media statements are increasingly considered compatible with, if not complementary to Morocco’s official discourse.

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<sup>51</sup> “Morocco: Outrage over Islamist couple sex scandal,” *Al Jazeera*, April 17, 2017, <https://www.aljazeera.com/news/2017/4/17/morocco-outrage-over-islamist-couple-sex-scandal> (accessed March 4, 2022).

<sup>52</sup> “Telexpresse dénonce les “égarements” de l’ancien correspondant d’EFE au Maroc,” *Maghreb Arabe Presse*, February 3, 2022, <http://www.mapnews.ma/fr/actualites/culture/telexpresse-d%C3%A9nonce-les-%C3%A9garements-de-lancien-correspondant-d%E2%80%99efe-au-maroc> (accessed March 4, 2022).

## Relentlessly Harassed Critics: 8 Case Studies

### 1. Hicham Mansouri

*A journalist, he was targeted with a mix of physical intimidation, politically motivated prosecutions, and unfair judicial proceedings.*

Hicham Mansouri, 40, is a Moroccan journalist and free speech activist, currently a political asylee in France. A native of the southern Moroccan city of Ouarzazate, he started his career in the mid-2000s as a satirical blogger and then a local reporter in Agadir, a city about 600 kilometers south of Rabat.<sup>53</sup>



Hicham Mansouri speaks during a press conference in Rabat, Morocco, January 17, 2016. © 2016 AP Photo/Abdeljalil Bounhar

<sup>53</sup> Hicham Mansouri, « شكون اللي ما عندو ورقة؟ » *Hespress*, May 19, 2008, <https://www.hespress.com/%d8%b4%d9%83%d9%88%d9%86-%d8%a7%d9%84%d9%84%d9%8a-%d9%85%d8%a7%d8%b9%d9%86%d8%af%d9%88-%d9%88%d8%b1%d9%82%d8%a9-%d8%9f-8130.html> (accessed March 29, 2022); Hicham Mansouri, « أسعار الساعات الإضافية تلتهب والاباء يصفونها بالابتزاز » *Maghress*, May 29, 2009, <https://www.maghress.com/almassae/23336> (accessed March 29, 2022)/

In 2011, he moved to Rabat and joined the Moroccan Association for Investigative Journalism (AMJI), a nongovernmental group created in 2008 by free speech activists including scholar Maati Monjib (see case study on AMJI in the last chapter of this report).<sup>54</sup>

### *Beaten Up in the Street*

On September 24, 2014, at around 9:30 p.m., shortly after he left the Ibis Hotel in Rabat where he had had a meeting with Monjib and other AMJI members, Mansouri was walking in the street when two unknown men emerged from a car with tinted windows and brutally assaulted him.<sup>55</sup> The aggressors punched and kicked him repeatedly, mostly on his face and his head.

Mansouri said that while he was on the ground, they started dragging him towards the car, where a man sat in the driver's seat. When Mansouri began screaming loudly, alarming taxi drivers parked at the nearby Agdal Train Station, the aggressors jumped in the car and drove away.

Mansouri was transported to the emergency room of a hospital, where doctors issued him a medical certificate assessing 25 days of incapacitation. After Mansouri reported the assault, the police said they conducted an investigation but closed it for lack of evidence, Mansouri's lawyer Abdelaziz Nouaydi told Human Rights Watch in 2015.<sup>56</sup>

Mansouri said that even though police officers questioned some of the taxi drivers who witnessed the assault, they failed to retrieve the video surveillance of the Ibis Hotel, which had a camera pointed towards the street that the assailants' car took when fleeing the crime scene. When Mansouri and Monjib asked to view the surveillance footage a few days later, the hotel personnel said it had been erased, without indicating who did the erasing.

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<sup>54</sup> Intissar Fakir and Maati Monjib, « Rabat's Undoing, » *Foreign Affairs*, October 23, 2014, <https://www.foreignaffairs.com/articles/morocco/2014-10-23/rabats-undoing> (accessed March 29, 2022).

<sup>55</sup> Mohammed Jaabouk, « Maroc : Un Journaliste membre de l'AMJI agressé par des inconnus à Rabat, » *Ya Biladi*, September 26, 2014, <https://www.yabiladi.com/articles/details/29739/maroc-journaliste-membre-l-amji-agresse.html> (accessed March 29, 2022).

<sup>56</sup> Human Rights Watch, « Morocco : Prison Terms for Adultery, » *Thomas Reuters Foundation News*, June 2, 2015, <https://news.trust.org/item/20150606191936-idk7e> (accessed March 29, 2022).

### *Convicted for Adultery*

On March 17, 2015, the police arrested Mansouri in his apartment residence in Rabat, along with a female friend who was visiting him.

According to a police report, which later became the main evidence in the court case, the police had placed Mansouri under surveillance two months earlier in response to complaints from unnamed neighbors and the doorman at his building that Mansouri was using his apartment for prostitution.<sup>57</sup> The day of the arrest, the police report says that after officers tasked with monitoring Mansouri observed a woman enter his building at 9:30 a.m., they went upstairs and knocked on his door.

According to the report, the woman opened the door wearing a “see-through” garment, then officers entered the bedroom and found Mansouri lying half-naked on the bed. The report says that the officers arrested the two suspects and took them to a police station. There, the woman signed a statement that she had committed adultery with Mansouri, while Mansouri gave a statement denying adultery.

Article 491 of Morocco’s penal code criminalizes adultery but states that it can only be prosecuted if the spouse of one of the parties files a complaint or if the person is openly practicing adultery while their spouse is abroad, with a sentence of one to two years imprisonment. In this case, the woman’s husband filed a complaint to trigger the prosecution, but only after the police had informed him that they had caught his wife “in the act.”<sup>58</sup> Mansouri was also accused of “arranging a locale for prostitution” and complicity in adultery.<sup>59</sup>

At their trial both defendants, , who had been in prison since their arrest, challenged the police account. The woman denied having an adulterous relationship with Mansouri and said she signed her “confession” under police pressure. She and Mansouri said the police broke the door to enter the apartment. Mansouri’s brother, the building doorman, and a

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<sup>57</sup> “Morocco: Prison Terms for Adultery,” Human Rights Watch press release, June 2, 2015, <https://www.hrw.org/news/2015/06/02/morocco-prison-terms-adultery>.

<sup>58</sup> Ibid.

<sup>59</sup> Under article 498 of the Penal Code; Under article 129 of the Penal Code for complicity and article 491 for adultery.

notary the brother brought to make a statement described damage to the apartment door consistent with it being forced open.<sup>60</sup>

In court, witnesses also disputed the official justification for the police's staking out and raiding of Mansouri's apartment. The doorman denied having ever complained to the police about Mansouri for using his apartment for prostitution, or for any other reason. When the judge confronted the doorman with a police report quoting him accusing Mansouri, the doorman confirmed that it was his signature, but said he could not read or write, and that he had signed that document because the police asked him to.<sup>61</sup> Building residents signed a statement saying Mansouri was an exemplary neighbor about whom they had never complained.<sup>62</sup>

Recounting his arrest, Mansouri said in court that the front door was forced open and about 10 men entered his apartment, forced him to the ground, and removed his clothing. According to a detailed written account that Mansouri provided to his lawyer, the police photographed him and the woman, then escorted them to the street, with Mansouri wearing only a towel.<sup>63</sup>

Before the prosecutor on March 19, 2015, and at trial, the woman repudiated the statement attributed to her by the police, which contained graphic and explicit details about an adulterous relationship she had with Mansouri. She told the court that she had signed the statement without reading it because the police had told her that if she did, they would release her so she could be with her children.

She said she and Mansouri were dressed normally when the police burst in. She said the two are merely friends and denied that they had had adulterous relations. At the appeals trial, she said that the police photographed them after and forcibly undressing Mansouri. The case file contained no photographs.

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<sup>60</sup> "Morocco: Prison Terms for Adultery," Human Rights Watch, June 2, 2015, <https://www.hrw.org/news/2015/06/02/morocco-prison-terms-adultery>.

<sup>61</sup> Alexandre Garnier and Elliott Aubert, "Maroc. La surveillance des journalistes n'a pas attendu Pegasus," *Orient XXI*, August 30, 2021, <https://orientxxi.info/magazine/maroc-la-surveillance-des-journalistes-n-a-pas-attendu-pegasus,4994?fbclid=IwARoEVw4sp6ouYqWSyiXoRdD9sR1oWfaYMvIsIWacmVBhhboND8IEqDYJ39Y> (access March 29, 2022).

<sup>62</sup> "Morocco: Prison Terms for Adultery," Human Rights Watch, June 2, 2015.

<sup>63</sup> *Ibid.*

On March 30, 2015, the Rabat Court of First Instance convicted the woman of adultery and Mansouri, who was unmarried, with complicity in adultery. Both were sentenced to ten months in prison. Mansouri was cleared of the prostitution charge, which was largely ignored in court even though the police had used it to trigger the whole case.

Mansouri is not the only high-profile Moroccan arrested for alleged extramarital sex. On March 13, 2015, police in Casablanca detained El-Mostafa Erriq, a leading member of the Islamist opposition Al-Adl Wal-Ihsan movement, and a woman he was visiting, as Human Rights Watch documented.<sup>64</sup> Police held Erriq and the woman for three days and notified Erriq's wife but released them when the wife declined to file a complaint. Erriq, like Mansouri, claimed that the police set him up and fabricated the evidence of adultery, including forcibly undressing and photographing him at the scene.

### *Harsh Prison Conditions*

Mansouri was detained in the Zaki Prison in Salé, near Rabat, where prison watchdogs had reported harsh conditions including overcrowding and torture of detainees.<sup>65</sup>

Mansouri told Human Rights Watch:

I was assigned to Zaki's wing D, which was filled with violent criminals and prisoners with severe mental disabilities who didn't belong in a prison in the first place. We were 50 to 60 in the same cell. All sorts of drugs and artisanal weapons were available. I was beaten up a couple times, including by guards, and terrified all the time. The hygiene conditions were terrible. I had fleas feeding on my body for almost the entire duration of my term.

The prison was closed later that same year, after Mansouri left it.<sup>66</sup> In January 2022, he published a book about his prison experience.<sup>67</sup>

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<sup>64</sup> Ibid.

<sup>65</sup> Loubna Bernici, "Prison de Zaki, un rapport accablant," Prison Maroc Over Blog, Undated, <http://prison-maroc.over-blog.com/pages/Prison-de-zaki-un-rapport-accablant-3209606.html> (accessed March 29, 2022)

<sup>66</sup> "La prison "Zaki" à Salé ferme ses portes," *Tel Quel*, December 15, 2017, [https://TelQuel.ma/2017/12/15/prisons-zaki-desormais-lhistoire-ancienne\\_1573295](https://TelQuel.ma/2017/12/15/prisons-zaki-desormais-lhistoire-ancienne_1573295) (accessed March 29, 2022).

<sup>67</sup> Ibid.; Hicham Mansouri, *Au cœur d'une prison marocaine*, (Paris: Libertalia, 2022).

## *Fleeing Morocco*

After serving his 10-month sentence for adultery, Mansouri was freed on January 17, 2016. The next day, he left Morocco.

He first went to Tunisia, then reached France three months later, and filed for asylum there on grounds of political persecution. Mansouri was granted asylum in 2018. At the time of writing, he has not returned to Morocco.

“I think the reason Moroccan authorities targeted me had less to do with me than with my proximity with Maati Monjib, who has been a high-profile dissident and target for a decade,” Mansouri told Human Rights Watch.<sup>68</sup> “My troubles were probably a way to intimidate Monjib, and the galaxy of activists surrounding him. Another reason might be that I was a central figure in AMJI. Maybe they believed this project could lead to a revival of independent journalism after they almost totally destroyed it during the 2000s, so they decided they wouldn’t allow that to happen.”

## **2. Fouad Abdelmoumni**

*A veteran human rights and democracy activist and outspoken critic of Morocco’s current monarchical system, he was subjected to digital surveillance, secretly planted cameras in his home, invasion of his intimate privacy, pressure through family members, harassment through pro-Makhzen media, and the unjustified withholding of a state-awarded grant.*

Fouad Abdelmoumni, 64, is an activist for democracy and human and social rights, who expresses his views openly on social media and in interviews with the international press. An economist specialized in micro-credit, he provides consultancies to governments and organizations in Africa and elsewhere. He lives on a farm near Rabat.

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<sup>68</sup> Interview with Human Rights Watch via Signal on June 25, 2021.



In 1977, and again in 1982, Moroccan authorities arrested Abdelmoumni in retaliation for his left-wing activism. He told Human Rights Watch that they subjected him to torture, imprisonment, and a total of two and a half years of enforced disappearance, outside of any legal framework.<sup>69</sup>

Abdelmoumni was the vice-president of the Moroccan Association for Human Rights between 1998 and 2004, the country's largest independent rights group, which authorities have harassed for decades.<sup>70</sup> He was also the secretary general of Transparency Maroc between 2016 and 2018, the local chapter of Transparency International, a global anti-corruption watchdog. Abdelmoumni currently serves as a member of Human Rights Watch's advisory committee on the Middle East and North Africa.



Fouad Abdelmoumni (left) and other Members of the Parliamentary Monarchy Now in Morocco coalition give a press conference on June 28, 2011 in Rabat. © 2011 ABDELHAK SENNA/AFP via Getty Images

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<sup>69</sup> “From India to Rwanda, The Victims of NSO Group’s WhatsApp Hacking Speak Out,” (blog) Access Now, December 17, 2020, <https://www.accessnow.org/nso-whatsapp-hacking-victims-stories/> (accessed March 29, 2022).

<sup>70</sup> Human Rights Watch, *World Report 2020*, Morocco/Western Sahara Chapter, <https://www.hrw.org/world-report/2021/country-chapters/morocco/western-sahara>.

He was a supporter and perceived mentor of Morocco's "February 20" youth movement, the kingdom's iteration of the "Arab Spring" wave in 2011. He later attempted, with other pro-democracy activists including historian Maati Monjib, to set up a common platform between leftist and Islamist activists to oppose monarchical authoritarianism in Morocco.<sup>71</sup> He regularly denounces Morocco's "authoritarian dictatorship" in the media and on social media.<sup>72</sup>

### *Digital Surveillance and Spyware Infection*

In October 2019, The Citizen Lab, a Canada-based tech laboratory that monitors Internet surveillance and the threat it poses to human rights globally, informed Abdelmoumni that it had identified his phone number among seven others in Morocco that have been targeted with Pegasus spyware. Pegasus is developed and sold by the Israel-based company NSO Group. The software is surreptitiously introduced on people's mobile phones. Once Pegasus is on the device, the client is able to turn it into a powerful surveillance tool by gaining complete access to its camera, calls, media, microphone, email, text messages, and other functions, enabling surveillance of the person targeted and their contacts.

In response to evidence that Pegasus has been used to target human rights defenders, journalists, and dissidents, NSO Group has said repeatedly that its technology is licensed for the sole use of providing governments and law enforcement agencies the ability to lawfully fight terrorism and crime, and that it does not operate the spyware it sells to government clients.<sup>73</sup>

In reaction to the exposure of their phones' surveillance, Abdelmoumni and the six other targeted individuals published on November 4, 2019, a statement demanding full

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<sup>71</sup> Rym Alami-Fischer and Hasna Daoudi, "Maroc: Gauche radicale et radicalité religieuse, 'l'alliance de l'aveugle et du paralytique,'" *Atlas Info*, September 28, 2020, <https://atlasinfo.fr/maroc-gauche-radicalite-et-radicalite-religieuse-lalliance-de-laveugle-et-du-paralytique.html> (accessed March 30, 2022).

<sup>72</sup> "Au Maroc, 'nous sommes de plus en plus dans une situation de dictature autoritaire'," video clip, YouTube, March 3, 2021, <https://www.youtube.com/watch?v=PiIBCwnMmM> (accessed March 30, 2022).

<sup>73</sup> "Enough is Enough," NSO Group, undated, <https://www.nsgroup.com/News/enough-is-enough/> (accessed March 30, 2022); Frank Andrews, "Pegasus: NSO Group's Long History of Trials and Denials," *Middle East Eye*, July 20, 2021, <https://www.middleeasteye.net/news/israel-pegasus-spyware-nso-group-history-accusations-denials> (accessed March 30, 2022).

accountability for the perpetrators of this act.<sup>74</sup> Abdelmoumni told Human Rights Watch that at the same period, he made several harsh public statements, including that the Moroccan state was behaving “like the mafia.”<sup>75</sup>

On December 9 of the same year, Abdelmoumni’s sister received a call from an individual who presented himself as a police officer, falsely informing her that Abdelmoumni “and a woman [they] caught him with” had been imprisoned. He told Human Rights Watch that he understood it as a move meant to intimidate him.

In December 2020, Abdelmoumni told Access Now, a group that defends digital rights globally, that, together with seven other victims of the spyware surveillance, he had lodged an investigation request with the National Commission for the Control of Personal Data Protection (CNDP), a Moroccan government agency.<sup>76</sup> “The CNDP did nothing, arguing that it does not have jurisdiction over those types of matters,” Abdelmoumni said. Moroccan authorities have repeatedly denied using Pegasus to spy on dissidents.<sup>77</sup>

### *Sexual Blackmail*

On January 16, 2020, Barlamane, a pro-Makhzen website, posted a video insulting Abdelmoumni by name and obliquely threatening to disclose details about his “stinking adolescent behavior.”<sup>78</sup> In the same video, the narrator accused an unnamed “senior rights activist” of sexual proclivity with a “young girl the age of his grand-daughter.”

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<sup>74</sup> Fouad Abdelmoumni’s Facebook Page, November 4, 2019,

<https://www.facebook.com/fouad.abdelmoumni/posts/10157677935129140> (accessed March 30, 2022).

<sup>75</sup> Wael Borchachan, “ناشطون ينادون بتدخل القضاء في مزاعم تجسس,” *Hes Press*, November 5, 2019,

[https://www.hespress.com/%d9%86%d8%a7%d8%b4%d8%b7%d9%88%d9%86-%d9%8a%d9%86%d8%a7%d8%af%d9%88%d9%86-%d8%a8%d8%aa%d8%af%d8%ae%d9%84-%d8%a7%d9%84%d9%82%d8%b6%d8%a7%d8%a1-%d9%81%d9%8a-%d9%85%d8%b2%d8%a7%d8%b9%d9%85-%d8%aa-524647.html?fbclid=IwARoq8WJUcx82Ox244wLtTnl-X6H7kc8UDVRk-p7tLqdWU\\_wZJxJsoKOS9Eo](https://www.hespress.com/%d9%86%d8%a7%d8%b4%d8%b7%d9%88%d9%86-%d9%8a%d9%86%d8%a7%d8%af%d9%88%d9%86-%d8%a8%d8%aa%d8%af%d8%ae%d9%84-%d8%a7%d9%84%d9%82%d8%b6%d8%a7%d8%a1-%d9%81%d9%8a-%d9%85%d8%b2%d8%a7%d8%b9%d9%85-%d8%aa-524647.html?fbclid=IwARoq8WJUcx82Ox244wLtTnl-X6H7kc8UDVRk-p7tLqdWU_wZJxJsoKOS9Eo) (accessed March 30, 2022).

<sup>76</sup> “From India to Rwanda,” (blog) Access Now, December 17, 2020.

<sup>77</sup> “Le Maroc nie ‘tout espionnage’ de journalistes avec le logiciel Pegasus,” *Africa News*, July 19, 2021,

<https://fr.africanews.com/2021/07/19/le-maroc-nie-tout-espionnage-de-journalistes-avec-le-logiciel-pegasus/> (accessed March 30, 2022).

<sup>78</sup> “ديرها غا زوينة.. الفضايح الكبيرة دبال خوتنا المناضلين,” *Barlamane.com*, January 16, 2020,

<https://www.barlamane.com/%d8%af%d9%8a%d8%b1%d9%87%d8%a7-%d8%ba%d8%a7-%d8%b2%d9%88%d9%8a%d9%86%d8%a9-%d8%a7%d9%84%d9%81%d8%b6%d8%a7%d9%8a%d8%ad-%d8%a7%d9%84%d9%83%d8%a8%d9%8a%d8%b1%d8%a9-%d8%af%d9%8a%d8%a7%d9%84-%d8%ae%d9%88-2/> (accessed March 30, 2022).

One month after that video was published, a few dozen people, including relatives, friends, and fellow rights activists, received on WhatsApp a set of six videos, each several minutes long, showing Abdelmoumni engaged in intimate situations with his partner, a woman in her mid-30s, about 25 years his junior, in an apartment he owns in Skhirat, a seaside resort near Rabat. The sender was anonymous.

Morocco's criminal code punishes a consensual sexual relationship between non-married adults by up to one year in prison. Out-of-wedlock relationships are also a social taboo and expose unmarried couples, especially women, to shaming and lasting stigma. Abdelmoumni and the woman, who is now his wife, were not married at the time the videos were shot. The recipients of the videos included some of her closest relatives.

Judging by the angle of the shots, the videos had been filmed by cameras secretly planted inside two AC units placed in his apartment's bedroom and living room, Abdelmoumni determined.<sup>79</sup> He added that the recording devices must have been sophisticated, since the videos captured clear sounds in the room despite the loud humming the air conditioning units generate.

Abdelmoumni told the French newspaper *L'Humanité* in March 2021:

These videos had already been announced, before their broadcast, by a defamation website known to be very close to the intelligence services, which had threatened to 'break' me, to disclose my privacy if I did not stop criticizing the regime. It is obvious that an apparatus at the heart of the Moroccan State uses and abuses the State's means to terrorize people. Not everyone has the ability to come in and get out of my house, set up such sophisticated devices in various places, and then come back to remove them, in sync with a website known to defame and threaten me [and other Moroccan dissidents.]<sup>80</sup>

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<sup>79</sup> Pierre Firtion, "Fouad Abdelmoumni: au Maroc, 'nous sommes de plus en plus dans une situation de dictature autoritaire,'" (Podcast) *RFI*, March 3, 2021, <https://www.rfi.fr/fr/podcasts/invit%C3%A9-afrique/20210303-fouad-abdelmoumni-nous-sommes-de-plus-dans-une-situation-de-dictature-autoritaire-au-maroc> (accessed March 30, 2022).

<sup>80</sup> Rachida El Azzouzi and Rosa Moussaoui, "Fouad Abdelmoumni: 'Ces pratiques avilissantes doivent cesser, sinon le Maroc va implorer,'" *L'Humanité*, March 2, 2021, <https://www.humanite.fr/monde/maroc/fouad-abdelmoumni-ces-pratiques-avilissantes-doivent-cesser-sinon-le-maroc-va-implorer> (accessed March 30, 2022).

Following the distribution of the tapes, Abdelmoumni said he adopted a lower public profile for months, drastically toning down his public criticism and barred relatives and friends from visiting him, as a way to protect their security and privacy. “I played dead for six months,” he told Human Rights Watch. It was only after a prosecutor announced in October 2020 that his friend, historian and rights activist Maati Monjib, who himself had a long history of police harassment, was being investigated on dubious money laundering charges, that Abdelmoumni decided to break his silence to defend Monjib.

Almost immediately after he resumed publicly criticizing the authorities, Chouf TV, another pro-Makhzen website specialized in maligning state critics, published on October 25, 2020, a long article titled “Shocking Scandal Revelations: The Details of Abdelmoumni’s [sexual] Adventures.” The article included the identity of his partner who appeared in the tapes, and more personal information including details on her family life, complete with several defamatory allegations on the relationship.

### *Awarding a Grant then Arbitrarily Withholding the Money*

Abdelmoumni owns about 5 hectares of farmland in the region of Sidi Bettache, south of Rabat. After he applied for a public investment grant to develop agriculture and livestock-raising activities, the Ministry of Agriculture awarded him in July 2018 a public grant of about \$30,000.

Based on that decision, the Credit Agricole, a state-owned bank specialized in financing agricultural ventures, sent Abdelmoumni the same month a text message stating that the ministry had informed the bank of its grant approval and offered on that basis to lend him up to 90 percent of the value of the grant, as an advance. He preferred to decline, waiting for the ministry to wire him the actual grant money.

About two years later, Abdelmoumni said the money had still not posted in his bank account. On September 3, 2020, he wrote a letter to the Ministry of Agriculture to ask about the grant but never received a response. Abdelmoumni then went to the ministry’s headquarters in Rabat to try to get an official explanation. No one accepted to receive him or tell him about his grant’s status. Abdelmoumni said he came back to the ministry 12 more times in the two months that followed but was never able to speak to an informed

interlocutor. On the 13<sup>th</sup> visit, a ministry official told him that only the minister of agriculture himself could address his issue, Abdelmoumni told Human Rights Watch.

Abdelmoumni said that on October 22, 2020, he sent a text message to a member of the minister's cabinet, requesting an explanation and remedy. The cabinet member answered the same day, reassuring him that he would inquire and get back to him as soon as possible. After more than a month without a response, Abdelmoumni sent another text to the same cabinet member on December 1, informing him that "in the absence of a response, [he] considers that [he] is in a situation where the administration arbitrarily refuses to apply the law." He had received no answer at time of writing, a year and a half later.

Human Rights Watch has read the letters, documentation, and screenshots of WhatsApp messages provided by Abdelmoumni.

### 3. Hajar Raissouni

*Hajar Raissouni, 30, is a journalist who worked at the now-defunct daily Akhbar Al-Yaoum. She covered social and political issues, including the Hirak, a protest movement that organized big rallies in Morocco's northern Rif region in 2017 before the authorities cracked down on its members.*<sup>81</sup>

#### *Kin to high-profile dissidents*

"I believe the main reason for my troubles, on top of targeting *Akhbar Al-Yaoum* which the authorities resented for its independence, was to get at my family," Hajar Raissouni told Human Rights Watch.<sup>82</sup>

Hajar's uncle, Soulaïman Raissouni, was in 2019 the editor-in-chief of *Akhbar Al-Yaoum*, and was known for his critical editorials, especially those targeting top security officials, royal palace personnel, and the king himself, sometimes in a personal vein. Soulaïman Raissouni, a recurrent target of pro-Makhzen media specialized in maligning critics of the

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<sup>81</sup> "Morocco: King Brushes Off Evidence of Police Abuse," Human Rights Watch press release, September 5, 2017, <https://www.hrw.org/news/2017/09/05/morocco-king-brushes-evidence-police-abuse>

<sup>82</sup> Text conversation via WhatsApp with Human Rights Watch, September 13, 2021

Makhzen, would later be arrested and imprisoned over accusations of sexual assault (see chapter on his case).<sup>83</sup>

Another uncle of Hajar, Ahmed Raissouni, a leading Islamist thinker, is the president of the International Union of Muslim Scholars, a theological organization based in Qatar. He succeeded Youssef Al-Qaradawi, one of the Muslim world's most famous preachers. Before attaining international recognition, Ahmed Raissouni led At-Tawhid Wal-Islah, an association that serves as a religious think tank and reservoir of cadres for the Justice and Development party, an Islamist formation that the royal palace in Morocco has long perceived as its top political adversary.<sup>84</sup>



Moroccan journalist Hajar Raissouni after leaving prison in Sale near the capital Rabat on October 16, 2019.  
© 2019 Fadel Senna/AFP via Getty Images

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<sup>83</sup> “Soulaiman Raissouni,” *Barlamane.com*, <https://www.barlamane.com/?s=%D8%B3%D9%84%D9%8A%D9%85%D8%A7%D9%86+%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A> (accessed March 30, 2022).

<sup>84</sup> Colette Apelian, “A Change of Power: Morocco after Benkirane’s Ouster,” Fikra Forum at the Washington Institute for Near East Policy, May 23, 2017, <https://www.washingtoninstitute.org/policy-analysis/change-power-morocco-after-benkiranes-ouster> (accessed March 30, 2022).

Hajar's cousin, Youssef Raissouni, is the secretary general of the Moroccan Association of Human Rights, the country's biggest independent human rights organization, which has a long history of being targeted by the authorities.<sup>85</sup> Youssef Raissouni also has a history of being targeted by hit pieces in pro-Makhzen media.<sup>86</sup>

### *Arrest and prosecution for illicit extramarital sex*

On August 31, 2019, at mid-day, six policemen in civilian clothes arrested Hajar Raissouni and her fiancé, Sudanese scholar Rifaat Al-Amin, on a street in Rabat's Agdal neighborhood, near an obstetrics-gynecology office where Raissouni had finished an appointment minutes earlier.<sup>87</sup> The police took them back to the doctor's office, where they arrested the doctor in charge and two aides, then transported the five to a police station in Rabat for interrogation.

The police took Raissouni later that day to Rabat's Ibn Sina hospital, where she said staff subjected her to a forced gynecological examination without her consent. She told Human Rights Watch she was weak and still bleeding from the procedure the OBGYN had performed on her a few hours before, which had involved removing a blood clot. Such examinations, when performed without the person's consent, can amount to sexual violence and cruel, inhumane, and degrading treatment under international human rights standards.<sup>88</sup>

Raissouni was kept in detention at the police station for 48 hours, during which the police questioned her about her intimate life, including whether she had had an abortion, which she denied. On September 2, 2019, authorities presented Raissouni to the Rabat Court of First Instance, where a prosecutor charged her with having an illegal abortion and sexual

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<sup>85</sup> "Morocco: Obstruction of Rights Group," Human Rights Watch press release, February 20, 2017, <https://www.hrw.org/news/2017/02/20/morocco-obstruction-rights-group>

<sup>86</sup> "يوسف الريسوني، نموذج آخر لتجار حقوق الإنسان" *Barlamane.com*, January 1, 2019, <https://www.barlamane.com/%D9%8A%D9%88%D8%B3%D9%81-%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A%D8%8C-%D9%86%D9%85%D9%88%D8%Bo%D8%AC-%D8%A2%D8%AE%D8%B1-%D9%84%D8%AA%D8%AC%D8%A7%D8%B1-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84/> (accessed March 30, 2022).

<sup>87</sup> "Morocco: Trial Over Private Life Allegations," Human Rights Watch press release, September 9, 2019, <https://www.hrw.org/news/2019/09/09/morocco-trial-over-private-life-allegations>

<sup>88</sup> See World Health Organization, "World Report on Violence and Health," [https://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap6.pdf](https://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf); "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," January 5, 2016, UN Doc.: A/HRC/31/57, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/000/97/PDF/G1600097.pdf?OpenElement>



relations outside marriage, offenses punishable respectively by up to two years and one year in prison.<sup>89</sup>

### *Violations of Privacy*

In a letter from prison published in *Akhbar Al-Yaoum* on September 4, 2019, Raissouni recounted that the police asked several questions about her relatives, including her two uncles and her cousin.<sup>90</sup> She also said that police interrogators asked specific questions about her relations with her fiancé that revealed to her that the couple had been under surveillance.

The police's questions included details as specific as the dates and hours when Raissouni came to her fiancé's apartment to walk his dog – along with the dog's name. Raissouni told Human Rights Watch that such information could only have been obtained through physical and/or electronic surveillance.

On September 5, Abdeslam Al-Imani, a prosecutor in Rabat, issued a communiqué, widely distributed to the media, detailing the allegations against Raissouni. The communiqué included personal details pertaining to her sexual and reproductive health, in violation of her right to privacy.

A few days later, Chouf TV, a pro-Makhzen media, posted a video interview of Mohamed El Hini, an ex-judge who frequently supports the authorities in statements to the media.<sup>91</sup> Denying any “conspiracy” [against Raissouni], and noting that she “admitted to sexual relationships with multiple parties,” El Hini commented, “Did the authorities put sperm in her vagina?”

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<sup>89</sup> Raissouni was charged for having an illegal abortion under article 454 of the penal code, and for sexual relations outside of marriage under article 490 of the penal code.

<sup>90</sup> هاجر الريسوني في أول رسالة من زنزانته: سألوني عن عمي أحمد وسليمان وكتابات أكثر من التهم الملققة لي..شكرا لتضامنكم أنا “ صامدة أمشي إلى قذري بقلب مفجوع ورأس مرفوع ” *Akhbar al-Yaoum*, September 4, 2019, <https://alyaoum24.com/1295019.html> (accessed March 30, 2022).

<sup>91</sup> “المحامي الهيني يقصف بقوة البيجدي ويكشف تناقضاتهم في قضية إجهاض هاجر الريسوني” Chouf TV Facebook video, September 10, 2019, [https://www.facebook.com/watch/?ref=search&v=376225429985440&external\\_log\\_id=1c72a46f-07e4-4969-acco-b9cce05ffac6&q=%D8%B4%D9%88%D9%81%20%D8%AA%D9%8A%D9%81%D9%8A%20%D9%85%D8%AD%D9%85%D8%AF%20%D8%A7%D9%84%D9%87%D9%8A%D9%86%D9%8A%20%D9%87%D8%A7%D8%AC%D8%B1%20%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A](https://www.facebook.com/watch/?ref=search&v=376225429985440&external_log_id=1c72a46f-07e4-4969-acco-b9cce05ffac6&q=%D8%B4%D9%88%D9%81%20%D8%AA%D9%8A%D9%81%D9%8A%20%D9%85%D8%AD%D9%85%D8%AF%20%D8%A7%D9%84%D9%87%D9%8A%D9%86%D9%8A%20%D9%87%D8%A7%D8%AC%D8%B1%20%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A) (accessed March 30, 2022).

## *Sentence and Pardon*

On September 30, 2019, a court in Rabat sentenced Raissouni to one year in prison for having an abortion and sex outside marriage.<sup>92</sup> It sentenced her fiancé to one year in prison for complicity in abortion and illicit sex, and the doctor who was convicted of having performed the abortion was sentenced to two years in prison.

In its written judgment, the court rejected all the defense's motions and based its guilty verdict on a police report mentioning that Raissouni "confessed" to an abortion even though she refused to sign that report, according to a review of the judgment published in *Akhbar Al-Yaoum*.<sup>93</sup>

During the trial, which Human Rights Watch attended, both Raissouni and the gynecologist denied that an abortion was ever performed. Raissouni affirmed that she had visited her gynecologist because she was suffering a vaginal hemorrhage, which the doctor confirmed that he had stopped.

The court also based its verdict on the gynecological exam that was performed on Raissouni while she was under police custody, even though the defense motioned to dismiss the resulting medical report on the grounds that it had been obtained against their client's will.

Dr. Hicham Benyaïch, head of the forensic medicine institute at Casablanca's Ibn Rochd Hospital and a legal expert frequently solicited by Moroccan tribunals – though he was not in Raissouni's trial – publicly questioned the medical report's findings and methodology.<sup>94</sup> He wrote that the "invasive exam" was "meant to provide means of proof to (Raissouni's) adversary in court," and was therefore illegal, a violation of both fair trial guarantees and medical privacy, and "could be considered torture."<sup>95</sup>

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<sup>92</sup> "Maroc : la journaliste Hajar Raissouni condamnée à un an de prison ferme pour « avortement illégal »,» *Le Monde Afrique*, September 30, 2019, [https://www.lemonde.fr/afrique/article/2019/09/30/au-maroc-la-journaliste-hajar-raissouni-condamnee-a-un-an-de-prison-ferme-pour-avortement-illegal\\_6013681\\_3212.html](https://www.lemonde.fr/afrique/article/2019/09/30/au-maroc-la-journaliste-hajar-raissouni-condamnee-a-un-an-de-prison-ferme-pour-avortement-illegal_6013681_3212.html) (accessed March 30, 2022).

<sup>93</sup> "هكذا بررت المحكمة أحكامها القاسية في ملف هاجر," *Akhbar al-Yaoum*, October 5, 2019, <https://alyaoum24.com/1305660.html?fbclid=IwAR2Of5tYfsJu35jqGUy67jC--xQ5h-WtTd2m-ae2H4EmlvcQyWsYZhshjSc> (accessed March 30, 2022).

<sup>94</sup> "Morocco: King Brushes Off Evidence of Police Abuse," Human Rights Watch press release, September 5, 2017.

<sup>95</sup> Dr. Hicham Benyaich, "Article du Pr Hicham Benyaich chef du service de médecine légale de Casablanca," *Daba Press*, February 10, 2019, <https://dabapress.com/35641/> (accessed March 30, 2022).

Following an international outcry in defense of the journalist, Raissouni, her fiancé, and the doctor were freed on October 16, 2019, by a royal pardon after they spent 45 days in prison.<sup>96</sup>

In July 2020, Raissouni left Morocco for Sudan, where she currently lives with her now-husband Al-Amin. “We had originally planned to live in Morocco, but after the surveillance, defamation, and harassment increased, I could not stand anymore to live in fear every day,” Raissouni told Human Rights Watch.<sup>97</sup>

After her departure, Raissouni remained a target of repeated slanderous articles by pro-Makhzen media. In November 2020, the website Barlamane insisted despite her repeated denials that she had had an abortion prior to her arrest and raised doubts about who the “dead sperm found in her” belonged to.<sup>98</sup> In March 2021, after Raissouni published an op-ed on a Lebanese website titled “The Defamation Press Has a Hand in Everything Bad in Morocco,” Barlamane wrote that she “suffers from remotely-controlled blogging diarrhea.”<sup>99</sup>

#### 4. Maati Monjib

*A 60-year-old historian and free speech activist, he was subjected to harassment through pro-Makhzen media, an arbitrary travel ban, physical intimidation of him and his associates, politically motivated prosecutions, unfair judicial proceedings, unjustified pretrial detention, and smartphone surveillance.*

Maati Monjib holds two doctorates in history and has taught at universities in Morocco, Senegal, and the United States. A former Fulbright scholar and visiting fellow at the

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<sup>96</sup> Ahmed Benchemsi, “Maroc : de l’insuffisance d’une grâce royale,” October 21, 2019, *L’Obs*, [https://www.nouvelobs.com/monde/20191019.OBS20009/tribune-maroc-de-l-insuffisance-d-une-grace-royale.html?fbclid=IwAR3wK\\_dxhLsvevCH3OyhMMiVMvDATOGy5SOhM5A3rX9KyTurqD3rbmla65Q](https://www.nouvelobs.com/monde/20191019.OBS20009/tribune-maroc-de-l-insuffisance-d-une-grace-royale.html?fbclid=IwAR3wK_dxhLsvevCH3OyhMMiVMvDATOGy5SOhM5A3rX9KyTurqD3rbmla65Q) (accessed March 30, 2022).

<sup>97</sup> Text conversation via WhatsApp with Human Rights Watch, June 21, 2021.

<sup>98</sup> “22” *Barlamane.com*, November 1, 2020, <https://www.barlamane.com/%D9%85%D9%86-%D8%B1%D8%B5%D9%8A%D9%81-%D8%B4%D8%A7%D8%B1%D8%B9-%D8%A7%D9%84%D8%AD%D8%A8%D9%8A%D8%A8-%D8%A8%D9%88%D8%B1%D9%82%D9%8A%D8%A8%D8%A9-%D8%A5%D9%84%D9%89-%D8%B1%D8%B5%D9%8A%D9%81-22/> (accessed March 30, 2022).

<sup>99</sup> Abu Ali, “هل يعاني حسن بنجاح وهاجر الريسوني من أعراض ‘Rota-facebook’?” March 31, 2021, *Barlamane.com*, (accessed March 30, 2022).

Brooking Institute in Washington DC, he has authored three books on Morocco's contemporary history.

In the 1980s and early 1990s, Monjib was an active member of the French branch of the National Union of Moroccan Students and the Association de défense des droits de l'Homme au Maroc (French acronym: ASDHOM, Association of Defense of Human Rights in Morocco) two groups that sought to pressure Moroccan authorities to democratize and free political prisoners.

His first face-off with authorities was in April 1995, when he entered Morocco after years abroad and the border police in the southern city of Agadir arrested him. Monjib told Human Rights Watch that police interrogated him about his political activities in France, especially an interview he gave to a French journalist in which he called then-King Hassan II "a thug."<sup>100</sup> He was let go after 36 hours. He left Morocco soon afterward to Senegal, where he landed a university teaching job.

After his first book, *The Moroccan Monarchy and the Struggle for Power* was published in 1992, Monjib, who was living abroad at the time, said his mother and brother regularly called him to report visits from police agents who asked them questions about his activities.

Monjib came back to Morocco after Mohammed VI succeeded Hassan II in 1999. He took a teaching position at the University of Meknes, before being transferred to Rabat's Mohammed V University. During the same period, he started writing a political column in the weekly *Le Journal*, then a pioneer of Morocco's independent, critical press under Mohammed VI. He also collaborated for years with the Moroccan history magazine *Zamane*.

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<sup>100</sup> In several interviews with Human Rights Watch, including two main ones, on November 12, 2020, and June, 28, 2021. All quotes by Maati Monjib in this chapter are from these two interviews.



Moroccan historian and rights activist Maati Monjib following his release from El Arjat prison near the capital Rabat on March 23, 2021. © 2021 STR/AFP via Getty Images

### *Initiating a United Opposition Front*

In 2007, Monjib initiated a series of meetings between leaders of left-wing and Islamist parties and associations, with the objective of creating a united opposition front against the Makhzen.<sup>101</sup>

Eight such meetings would be held in the ensuing years, attended by political leaders from both sides. Some meetings were held in private homes, while others were held publicly with audiences of about 50 persons. Some of the public meetings were supported and funded by the Interchurch Peace Council (IKV Pax Christi,) a Dutch organization working for “peace, reconciliation and justice in the world,” according to its website.<sup>102</sup>

<sup>101</sup> See footnote number 14.

<sup>102</sup> “IKV Pax Christi (Netherlands),” Nato Watch, undated, <https://natowatch.org/links/2010/ikv-pax-christi-netherlands> (accessed March 30, 2022).

Partly based on the material he accumulated during those meetings, Monjib published in 2011 a research paper for the Washington-based Brookings institute titled “The ‘Democratization’ Process in Morocco: Progress, Obstacles, and the Impact of the Islamist-Secularist Divide.”<sup>103</sup>

Monjib told Human Rights Watch that starting around the time of the first of these meetings, he and other organizers would frequently be followed in Rabat by cars with plain-clothed men in them, while they were conducting regular daily business.<sup>104</sup> Police would question him systematically about his political activities as he departed on foreign trips and returned from them.

### *Intimidation and Threats*

On April 6, 2014, Monjib’s initiative to unite opposition to the Makhzen advanced with a meeting that was attended not only by left-wing and Islamist opposition leaders, but also high-profile members of the Justice and Development Party, which was then the backbone of the government King Mohammed VI had appointed two years earlier . The meeting ended with a resolution to draft a common political platform, arguably the most tangible challenge to the royal palace’s domination of Moroccan politics in decades.

At about the same time, Morocco and France were locked in a diplomatic crisis. On February 20, 2014, a French investigative judge took advantage of the presence in France of Abdellatif Hammouchi, the powerful director general of Morocco’s police, to summon him to answer accusations of complicity in acts of torture. Hammouchi left France without answering the summons. Morocco’s minister of foreign affairs then summoned France’s ambassador for a rebuke.<sup>105</sup>

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<sup>103</sup> Maâti Monjib, “The ‘Democratization’ Process in Morocco: Progress, Obstacles, and the Impact of the Islamist-Secularist Divide,” *The Brookings Institution*, Working Paper No. 5, August 2011, [https://www.brookings.edu/wp-content/uploads/2016/06/08\\_morocco\\_monjib.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/08_morocco_monjib.pdf).

<sup>104</sup> Ignace Dalle and Maâti Monjib, “Maroc. Maâti Monjib : « Pas question que je me taise »,” *Orient XXI*, September 5, 2020, <https://orientxxi.info/magazine/maroc-maati-monjib-pas-question-que-je-me-taise,4103> (accessed March 30, 2022).

<sup>105</sup> « L’ambassadeur de France à Rabat convoqué », *Le Figaro*, February 2, 2014, <https://www.lefigaro.fr/flash-actu/2014/02/23/97001-20140223FILWWW00005-l-ambassadeur-de-france-a-rabat-convoque.php> (accessed April 26, 2022).

Monjib, when asked by France 24 television what he thought about Hammouchi's judicial summons, answered, "Why not, if there is evidence against him?" Monjib later told Human Rights Watch.

Monjib told Human Rights Watch that the pressure on him from authorities intensified after he made this declaration, and also because the authorities identified him as the main architect of the fast-developing opposition front. Starting then, Monjib added, their intimidation of him accelerated.

On July 14, 2014, Monjib recounted, an unknown man who was walking behind him in a street of Rabat yanked his shoulder and told him, "You have a stinking mouth, you should shut it." On September 22, 2014, another unknown man accosted him in a street of Rabat and told him "If you don't shut up, *Daesh* will take care of you," before quickly walking away. *Daesh* is the Arabic acronym of ISIS, the militant group that gained global prominence in the summer of 2014 after violently seizing control of large swaths of territory in Iraq and Syria.

Monjib told Human Rights Watch that the latter instance of intimidation happened two days before the physical assault on Monjib's colleague Hicham Mansouri (see chapter on Mansouri).

### *Relentless Defamation Campaign*

Alongside these physical assaults, Monjib endured a torrent of articles in pro-Makhzen media.

On July 4, 2021, Human Rights Watch counted 645 articles mentioning Maati Monjib, with overwhelmingly insulting content and frequent invasions of his privacy. The articles appeared since 2015 in Arabic and French on eight websites known for systematically aligning with Moroccan authorities and maligning their critics. The count does not include many more such websites or print newspapers. An online profile of Monjib mentioned 1500 such articles.<sup>106</sup>

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<sup>106</sup> Hicham Mansouri, "Maroc. Maâti Monjib, un homme à abattre," *Orient XXI*, February 10, 2021, <https://orientxxi.info/magazine/maroc-maati-monjib-un-homme-a-abattre,4507> (accessed March 30, 2022).

The websites targeting Monjib ran headlines such as “Maati Monjib, the lying historian,” “Secrets and truths about the renegade who betrayed Morocco,” “Screw the traitors: Maati Monjib is a foreign agent,” “Monjib: a hired gun, ungrateful liar, and the rest is yet to come...,” “The criminal mindset of Maati Monjib,” “Maati Monjib: the man who sells an ideology that justifies raping women,” “Maati Monjib: an advocate for terrorism,” and “The truth about Monjib's relationship with the CIA.”<sup>107</sup>

In an op-ed published in August 2016, Monjib listed some of the defamatory allegations made against him by newspapers and websites he said were closely tied to state-linked “clandestine offices.”<sup>108</sup> The allegations Monjib listed included that he “suffers early impotence,” “works hand in hand with jihadists,” and is “a fierce defender of sexual perversion,” “an anti-Semite,” and “a Holocaust-denying historian.” Monjib denied those accusations in the op-ed and in conversations with Human Rights Watch.

In an interview, Monjib also noted that articles regularly mention his relatives and close friends by name, especially the females among them, with defamatory allegations concerning their sex lives.<sup>109</sup> This causes great distress to persons who are “not political” and thus “not prepared to experience such attacks,” he said.

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<sup>107</sup> “المعطي منجب.. المؤرخ الكذاب,” *Barlamane*, June 10, 2018, <https://www.barlamane.com/%d8%a7%d9%84%d9%85%d8%b9%d8%b7%d9%8a-%d9%85%d9%86%d8%ac%d8%a8%d8%8c-%d8%a7%d9%84%d9%85%d8%a4%d8%b1%d8%ae-%d8%a7%d9%84%d9%83%d8%b0%d8%a7%d8%a8/> (March 30, 2022); Al-Jilali Al-Tawil, “ديرها غاروينة.. أسرار وحقائق على الغدارة اللي خانو المغرب,” *Barlamane*, December 9, 2020, <https://www.barlamane.com/%d8%af%d9%8a%d8%b1%d9%87%d8%a7-%d8%ba%d8%a7%d8%b2%d9%88%d9%8a%d9%86%d8%a9-%d8%a3%d8%b3%d8%b1%d8%a7%d8%b1-%d9%88%d8%ad%d9%82%d8%a7%d8%a6%d9%82-%d8%b9%d9%84%d9%89-%d8%a7%d9%84%d8%ba%d8%af%d8%a7%d8%b1/> (accessed March 30, 2020); Mohammed Al-Bodali, “المعطي منجب عميل الخارج,” *Cawalissee*, August 7, 2016, <https://www.cawalissee.com/109572.html> (accessed March 30, 2022); “المعطي ’مول الجيب’: مأجور، كذاب وجاحد والبقية تأتي..,” *Barlamane*, September 11, 2020, <https://www.barlamane.com/%d9%85%d8%b9%d8%b7%d9%8a-%d9%85%d9%88%d9%84-%d8%a7%d9%84%d8%ac%d9%8a%d8%a8-%d9%85%d8%a3%d8%ac%d9%88%d8%b1%d8%8c-%d9%83%d8%a7%d8%b0%d8%a8-%d9%88%d8%ac%d8%a7%d8%ad%d8%af-%d9%88%d8%a7%d9%84%d8%a8/> (accessed March 30, 2022); “خيال المعطي منجب..,” *Barlamane*, July 1, 2021, <https://www.barlamane.com/%d8%ae%d9%8a%d8%a7%d9%84-%d8%a7%d9%84%d9%85%d8%b9%d8%b7%d9%8a-%d9%85%d9%86%d8%ac%d8%a8-%d8%a7%d9%84%d8%a5%d8%ac%d8%b1%d8%a7%d9%85%d9%8a/> (accessed March 30, 2022); Mohammed Al-Bodali, “المعطي منجب.. تاجر الفكر الذي أباح هناك أعراض النساء,” *Cawalissee*, March 19, 2018, <https://www.cawalissee.com/38396.html> (accessed March 30, 2022); “الحبيب حاجي: المعطي منجب هو تاجر معلومات ويدافع,” *Chouf TV*, January 6, 2021, <https://chouftv.ma/press/334699.html> (accessed March 30, 2022); “حقيقة علاقة,” *Chouf TV*, January 17, 2021, <https://mondial.chouftv.ma/press/338584.html> (accessed March 30, 2021).

<sup>108</sup> Maati Monjib, “منجب يرأسل الهمة حول فيديو دوحة,” *Lakome*, August 17, 2016, <https://lakome2.com/opinion/88405/> (accessed March 30, 2022).

<sup>109</sup> “Maati Monjib,” Video Clip, YouTube, October 17, 2015, <https://www.youtube.com/watch?v=vzyJoOXY3rM> (accessed March 30, 2022).



One of the labels that pro-Makhzen websites regularly slapped on Monjib was “pillar of the fifth column,” perhaps a reference to his prominence in the “Support Council” that some political parties and civil society organizations established in 2011 to provide advice and logistical support to the February 20 protest movement, Morocco’s expression of the Arab Spring.<sup>110</sup>

### *Travel Ban Spawns Hunger Strike*

In May 2015, tax auditors visited Monjib to examine the books of the Ibn Rochd Center (see section on the Moroccan Association for Investigative Journalism, in the last chapter of this report), which he had decided to close at the end of 2014, citing authorities’ efforts to prevent its activities.<sup>111</sup> On August 31, 2015, Monjib learned that the police were investigating him when they detained him briefly for questioning at Casablanca’s Mohammed V Airport, as he returned from an overseas trip.

On September 14, 2015, the National Brigade of the Judicial Police questioned Monjib about the Ibn Rochd Center, on the accusation of “undermining the credibility of state institutions,” Monjib said. Airport authorities also stopped him from traveling to Barcelona on September 16 and to Norway on October 7, 2015.

Monjib started a hunger strike on October 7, 2015, to protest the harassment and de facto travel ban. Authorities did not formally notify him of the charges or the travel ban. However, Moroccan media cited officials explaining that judicial authorities had imposed the travel ban pursuant to an investigation into alleged “financial irregularities” at the Ibn Rochd Center.<sup>112</sup>

Monjib responded to another police summons on October 19 and was again asked questions about finances of the center. By then 12 days into his hunger strike, he went to the police

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<sup>110</sup> “مشا فيها.. المعطي منجب أحد أعمدة الطابور الخامس في ضيافة التامك بسجن العرجات” *Chouf TV*, undated, <https://www.chouftv.ma/program/331735.html> (accessed March 30, 2022); Ahmed Benchemsi, “Feb20’s Rise and Fall: A Moroccan Story,” post to “Ahmed Benchemsi” (Blog), July 17, 2012, <http://ahmedbenchemsi.com/feb20s-rise-and-fall-a-moroccan-story/> (accessed March 30, 2022).

<sup>111</sup> “Morocco: Human Rights Gatherings Blocked,” Human Rights Watch Press Release, November 7, 2014, <http://ahmedbenchemsi.com/feb20s-rise-and-fall-a-moroccan-story/>

<sup>112</sup> Khalid Mesfioui, “Intérieur: ‘Maâti Monjib est interdit de quitter le territoire sur ordre de la justice,’” *Le 360*, October 10, 2015, <https://fr.le360.ma/societe/interieur-maati-monjib-est-interdit-de-quitter-le-territoire-sur-ordre-de-la-justice-53905> (accessed March 30, 2022).

station in an ambulance and wheelchair.<sup>113</sup> An international support campaign calling on authorities to end Monjib's harassment gathered signatures from over 50 NGOs and 1,000 scholars, journalists, and rights activists.<sup>114</sup>

On October 29, the Rabat Administrative Court rejected a petition by Monjib to declare the travel ban illegal. The same day, however, the office of the prosecutor notified Monjib's attorney that it was lifting the travel ban and that Monjib would face trial. He then ended his hunger strike.

After that, Monjib told Human Rights Watch he experienced a "deluge" of defamatory articles. "I was once at a newsstand and there was a picture of me on every newspaper on sale," he said. He also said police cars frequently showed up in front of his home and "stayed there for hours."

### *Smartphone Infected with Spyware*

On October 10, 2019, Amnesty International reported "targeted digital attacks" against Monjib and another human rights defender that have been ongoing since at least 2017.<sup>115</sup>

Amnesty identified the spyware used by the attackers as Pegasus, which is surreptitiously introduced on people's mobile phones and gains access to all of their content.

In response to Amnesty's evidence that Pegasus has been used to target Monjib and another Moroccan human rights defender, NSO Group answered: "Our products are developed to help the intelligence and law enforcement community save lives. They are not tools to surveil dissidents or human rights activists. That's why contracts with all of our customers enable the use of our products solely for the legitimate purposes of preventing and investigating crime and terrorism. If we ever discover that our products were misused in breach of such a contract, we will take appropriate action." The action in question may

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<sup>113</sup> Ibrahim Bayo, "Maâti Moniib s'est rendu en ambulance à la BNPI malgré sa grève de la faim," *Ya Biladi*, October 18, 2015, <https://www.yabiladi.com/articles/details/39546/maati-moniib-s-est-rendu-ambulance.html> (accessed March 30, 2022).

<sup>114</sup> Mohamed Berkani, "Maroc: mobilisation internationale en faveur de l'historien Maâti Monjib," *France TV Info*, October 20, 2015, [https://www.francetvinfo.fr/monde/afrique/maroc/maroc-mobilisation-internationale-en-faveur-de-lhistorien-maati-monjib\\_3067541.html](https://www.francetvinfo.fr/monde/afrique/maroc/maroc-mobilisation-internationale-en-faveur-de-lhistorien-maati-monjib_3067541.html) (accessed March 30, 2022).

<sup>115</sup> "Morocco: Human Rights Defenders Targeted with NSO Group's Spyware," Amnesty International, October 10, 2019.

include, the answer added, “suspending or immediately terminating a customer’s use of the product, as NSO has done in the past.”

In July 2021, an investigation conducted by the Forbidden Stories journalistic consortium revealed that Morocco apparently kept on using Pegasus at least two years after Amnesty’s 2019 revelations.<sup>116</sup>

### *Accusations of Money Laundering*

On October 7, 2020, a prosecutor in Rabat published a communique announcing that he had opened an investigation against Monjib for “money laundering.”<sup>117</sup>

The prosecution, the communique said, was triggered by a notification from a police unit specialized in financial crimes that “significant fund transfers” initiated by Monjib and “a list of real estate properties” that he owned “did not correspond to the usual income declared by Mr. Monjib and members of his family.”

In the three months that followed that announcement, the judiciary police in Casablanca summoned Monjib about ten times, asking him to prove that properties he acquired throughout his life had been purchased with “legitimately earned money,” and also to prove that bank operations he had conducted were not meant to “launder illegally obtained sums,” he told Human Rights Watch.

Barlamane, a pro-Makhzen website, later published a lengthy article apparently laying out the details of the legal case against Monjib, before he had access to the case file (at time of writing, more than two years after this investigation was opened, Monjib had still not received the case file).<sup>118</sup> The website has a history of publishing leaked elements of case files involving state critics, even before the defendants themselves or their lawyers have access to the case files in question.<sup>119</sup>

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<sup>116</sup> “The Pegasus Project”, Forbidden Stories.

<sup>117</sup> “Maati Monjib visé par une enquête judiciaire pour blanchiment de capitaux,” *H24 Info*, October 7, 2020, [https://www.h24info.ma/maroc/maati-monjib-vise-par-une-enquete-judiciaire-pour-blanchiment-de-capitaux/?fbclid=IwARoiE52jrDYfGlrMUKvHWVc4YXjviCD\\_bRCgl7hcrayaFTabv7YAmi4fHM](https://www.h24info.ma/maroc/maati-monjib-vise-par-une-enquete-judiciaire-pour-blanchiment-de-capitaux/?fbclid=IwARoiE52jrDYfGlrMUKvHWVc4YXjviCD_bRCgl7hcrayaFTabv7YAmi4fHM) (accessed March 30, 2022).

<sup>118</sup> “Des vérités sur Maâti Monjib,” *Barlamane*, January 1, 2021, <https://www.barlamane.com/fr/%ef%bb%bfbdes-verites-sur-maati-monjib-%ef%bb%bf/> (accessed March 30, 2022).

<sup>119</sup> “Morocco: Espionage Case Against Outspoken Journalist,” Human Rights Watch News Release, September 21, 2020, <https://www.hrw.org/news/2020/09/21/morocco-espionage-case-against-outspoken-journalist>.

The Barlamane article mentioned that Monjib owned “significant real estate holdings.” In a 10-minute video posted on YouTube on October 1, 2020, Monjib stated that he owns an apartment in Rabat’s Agdal neighborhood, a small house in the town of Harhoura near Rabat, where he lives, and an apartment in Benslimane, the city he is from.<sup>120</sup> Monjib said that he purchased those three properties over three decades for a total of about \$175,000, which is “nothing extravagant and well within [his] means,” he told Human Rights Watch.

The Barlamane article also alleges, in what is apparently the cornerstone of the “money laundering” accusation against him, that foreign aid to support the Ibn Rochd Center and AMJI had been illegally diverted to the personal accounts of Monjib, his wife, and his sister. To Human Rights Watch’s knowledge, no international group has ever filed a complaint about any misuse of funds that they had granted to the Ibn Rochd Center or AMJI. In a communique published on January 15, 2021, Free Press Unlimited, one of those groups, stated that “Maati Monjib was a highly respected partner of theirs” and “should be acquitted of all charges.”<sup>121</sup>

### *Arrested, No Access to Case File*

On December 29, 2020, police agents arrested Monjib in Rabat, and an investigative judge ordered him remanded to prison pending completion of an investigation for embezzlement and money-laundering.<sup>122</sup>

When a few days later, his lawyers asked the investigative judge to give them a copy of the case file so they can pass it on to Monjib in his prison cell, the judge refused. Two lawyers of Monjib told Human Rights Watch that the judge permitted the defense lawyers to take notes by hand while sitting in the judge’s office but barred them from photocopying its contents. Most of the lawyers refused, arguing that they were unable to study the file properly in such conditions. According to them, the file contains more than a thousand pages and includes multiple, dense financial documents.

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<sup>120</sup> “لأول مرة المعطي منجب يكشف عن ممتلكاته: هذا كل ما أملك.. أنا نزيه وأعارض باعتدال” Video Clip, YouTube, October 21, 2020, <https://www.youtube.com/watch?app=desktop&v=nvRIQFNC2pY> (accessed March 30, 2022).

<sup>121</sup> “Statement Regarding the Recent Arrest in Morocco of Maati Monjib,” Free Press Unlimited, January 15, 2021, <https://www.freepressunlimited.org/en/current/statement-regarding-recent-arrest-morocco-maati-monjib> (accessed March 30, 2022).

<sup>122</sup> “Moroccan Authorities Arrest Journalist Maati Monjib,” Committee to Protect Journalists News Release, December 29, 2020, <https://cpj.org/2020/12/moroccan-authorities-arrest-journalist-maati-monjib/> (accessed March 30, 2022).

Through many years of monitoring trials in Morocco, including of state critics facing various charges, Human Rights Watch has observed that defense teams were allowed to make copies of case files and share them with their clients, whether they were incarcerated or prosecuted under provisional release. Under international law standards, defendants and their lawyers are entitled to full and proper access to legal case files, to see the evidence against them, in order to prepare their defense in court. Denying such access undermines the defendant's right to prepare their defense and violates the fair trial principle of "equality of arms" – that both sides should have access to all the same material being introduced in court, with adequate time to prepare.

While Monjib and his lawyers were denied access to the case file, pro-Makhzen media apparently continued to obtain leaked copies of it, and used the material obtained in articles accusing Monjib of wrongdoing. The headlines they published included "Justice: The Details of Maati Monjib's Fraudulent Transactions," "Monjib: A Money-Laundering Machine in the Name of Human Rights," "Exposing the Truth: Maati Makes a Ton of Cash out of the Human Rights Business," and "New Revelations on Maati Monjib's Cupidity."<sup>123</sup> A new nickname emerged in these articles: Maati "Moul Jib," a play on words between Monjib and "Moul Jib," Moroccan Arabic for "Pocket man."<sup>124</sup> Another headline went: "How Many Pockets does Maati Monjib have?"<sup>125</sup>

### *Tried In Absentia while in the Same Building*

On January 27, 2021, the Rabat Court of First Instance found Monjib and six codefendants guilty of various charges including "receiving funds from a foreign organization in order to undermine Morocco's internal security." That case, distinct from the money laundering one,

<sup>123</sup> Mohamed Chakir Alaoui, "Justice: Les détails des transactions frauduleuses reprochées à Maâti Monjib," *Le 360*, November 23, 2015, <https://fr.le360.ma/politique/justice-les-detaills-des-transactions-frauduleuses-reprochees-a-maati-monjib-58129> (accessed March 30, 2022) ; Hassan Benadad, "Maâti Monjib: Une 'machine à blanchir' au nom de la recherche et des droits de l'homme," *Le 360*, October 8, 2020, <https://fr.le360.ma/politique/maati-monjib-une-machine-a-blanchir-au-nom-de-la-recherche-et-des-droits-de-lhomme-224778> (accessed March 30, 2022); Abu Wael Al-Rifi, "بوح الحقيقة: شهادة، المعطي تيدخل شلا فلوس من تاحوقيت," *Chouf TV*, October 18, 2020, <https://mobile.chouftv.ma/press/304595.html> (accessed March 30, 2022); Rahim Sefrioui, "Nouvelles révélations sur la cupidité de Maâti Monjib," *Le 360*, October 19, 2020, <https://fr.le360.ma/medias/nouvelles-revelations-sur-la-cupidite-de-maati-monjib-225477> (accessed March 30, 2022).

<sup>124</sup> "أجب على أسئلة القضاء فقط سيدي.. المعطي مول الجيب" *Ahdath*, October 24, 2018, <https://ahdath.info/429894> (March 30, 2022).

<sup>125</sup> Al-Jilali Al-Tawil, "شوفو شحال من جيب عند المعطي منجيب؟.. ديرها غا زوينة," *Barlamane*, January 14, 2021, <https://www.barlamane.com/%d8%af%d9%8a%d8%b1%d9%87%d8%a7-%d8%ba%d8%a7%d8%b2%d9%88%d9%8a%d9%86%d8%a9-%d8%b4%d9%88%d9%81%d9%88-%d8%b4%d8%ad%d8%a7%d9%84-%d9%85%d9%86-%d8%ac%d9%8a%d8%a8-%d8%b9%d9%86%d8%af-%d8%a7%d9%84%d9%85/> (accessed March 30, 2022).

had been opened in 2015. It was based on a grant awarded by a Dutch NGO to the Moroccan Association for Investigative Journalism (AMJI,) a group set up by Monjib and other activists, to organize trainings for a citizen journalism app (for more details, see section on AMJI in the last chapter of this report).

Monjib and his codefendants were charged of violating article 206 of the penal code, which states, “a person is guilty of harming internal state security ... if he, directly or indirectly, receives support from abroad intended, or used, to finance an activity or propaganda capable of harming the integrity, sovereignty or independence of the kingdom, or shaking the loyalty that citizens owe to the state and the institutions of the Moroccan people.” The charge carries up to five years in prison. The court sentenced Monjib and three co-defendants to one year in prison, a fifth one to three months of suspended prison, and the last two to a fine.

A Rabat court had held about twenty trial sessions of that case between 2015 and 2020.<sup>126</sup> Each time, the session was adjourned without proceedings because three of the seven defendants failed to appear in court because they had fled Morocco. The protracted nature of the trial may also have been related to the fact that the case drew wide international attention, including from Human Rights Watch and press freedom organizations.<sup>127</sup>

Monjib’s lawyers learned about the verdict when they accessed the Ministry of Justice’s internet portal. On January 27, 2021, through the same means, they learned that the trial had resumed a week before, on January 20. That day, the court held an ultimate session on this case in Monjib’s and his lawyers’ absence. Neither had been notified of the session, they told Human Rights Watch. After five years of postponing proceedings, the tribunal took only one session to fully examine the seven-defendant case and close it for deliberation the same day.

According to a statement signed by Monjib’s lawyers Abdelaziz Nouaydi, Mohamed Messaoudi, Naima El Guellaf, Mohamed Jalal, and Omar Bendjelloun, and reviewed by

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<sup>126</sup> “Morocco: Further Information: Imprisoned Academic’s Life in Danger: Maati Monjib,” Amnesty International, March 19, 2021, <https://www.amnesty.org/en/documents/mde29/3863/2021/en/> (accessed March 30, 2022).

<sup>127</sup> “Morocco: Drop Charges Against Activists,” Human Rights Watch News Release, November 8, 2015, <https://www.hrw.org/news/2015/11/08/morocco-drop-charges-against-activists>; Yasmin El-Rifae, “CPJ Joins Call for Morocco to End Harassment of Journalists,” Committee to Protect Journalists, September 29, 2015, <https://cpj.org/2015/09/cpj-joins-call-for-morocco-to-end-harassment-of-jo/> (accessed March 30, 2022).

Human Rights Watch, on January 20, 2021, the day of the trial's final session, they and Monjib were present in the Rabat courthouse in which that session was held. However, they were in a different room, assisting their client while an investigative judge questioned him regarding a different case, the one about alleged money-laundering. According to the lawyers' statement, the money-laundering session finished at 3:30 p.m., at which point the lawyers left the courthouse while Monjib, under pretrial detention, was taken back to El Arjat prison in Salé, near Rabat.

On February 1, 2021, the Superior Council of the Judiciary Power, an official body that Morocco's Constitution entrusts with ensuring the independence of the judiciary, published a communique on this matter.<sup>128</sup> The communiqué said:

Maati Monjib was brought to court on January 20 to appear before the investigating judge and after leaving the investigation office at 11:30 a.m., he was not returned to prison and remained in court, reflecting the concern of the competent judicial authorities to allow him to exercise his right to attend the hearing relating to the 2015 trial, which began at 3.30 p.m., because although he is in detention in connection with the money laundering case, he remains at liberty with regards to the 2015 case. The accused was therefore kept within the confines of the court while waiting for him to express his wish to attend the hearing, but he did not take this step, neither he nor his defense, despite the fact that he was informed of the date of the hearing (...) At the end of the hearing, he was taken back to the prison. Therefore, his absence, like that of his defense, stems from a voluntary personal decision.

In their statement, Monjib's five lawyers affirm that at no point on January 20 or before that day were they or Monjib notified, formally or informally, that a session of the 2015 trial involving their client would be held at 3:30 p.m. in the same building that they had just left. One of them told Human Rights Watch, "The notion that someone can be 'in detention with regards to one case but at the same time, free with regards to another' is unheard of

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<sup>128</sup> « Affaire Maati Monjib: le Conseil supérieur du pouvoir judiciaire remet les points sur les «i» », MAP/Le Matin, February 1, 2021, <https://lematin.ma/express/2021/affaire-maati-monjib-conseil-superieur-pouvoir-judiciaire-remet-points-i/352454.html> (accessed June 1, 2022)

and absurd. When you're in detention, you're in detention, that's it. You don't get to say where you want to go or what you want to do. When you leave prison for court-related business, policemen escort you at all times and take you wherever they, not you, decide."

Monjib and his codefendants in the 2015 case appealed the guilty verdict against them. An appeals court summoned them for trial six times between April 2021 and May 2022. The six sessions were postponed for the same reason the first instance trial was postponed about 20 times since 2015; three defendants, in exile in Europe, failed to appear.

### *Hunger Strike, Liberation, Travel Ban and Asset Freeze*

On March 4, 2021, Monjib announced that he was starting an open-ended hunger strike to protest his arrest and multi-faceted "persecution."<sup>129</sup> An international support campaign quickly took off, especially in the United States.<sup>130</sup> Monjib, 59, who has diabetes and a chronic heart condition, told Human Rights Watch that doctors who measured his blood pressure on March 22, after 19 days of hunger strike, found that he was in a critical condition. That same day, the Tom Lantos Human Rights Commission of the US Congress tweeted that "the life of Maati Monjib was in the hands of the government of Morocco." Monjib was freed one day later.

On the prison's doorstep and before a crowd of supporters and journalists, Monjib accused what he called the "political police" of "fabricating the cases" against him. That statement triggered an angry rebuke from the Ministry of Interior.<sup>131</sup> The next day, the website *Barlamane* published an article titled "Maati Monjib: From Fearful Rabbit inside Prison to Frantic Slanderer Outside of it."<sup>132</sup>

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<sup>129</sup> "Maati Monjib en grève de la faim (son communiqué depuis la prison de Salé)," Comité de soutien à Maati Monjib, May 5, 2021, <https://maatimonjib.net/2021/03/05/maati-monjib-en-greve-de-la-faim-son-communique/> (accessed March 30, 2022).

<sup>130</sup> POMED Twitter Account, March 22, 2021, [https://twitter.com/hashtag/FreeMaati?src=hashtag\\_click](https://twitter.com/hashtag/FreeMaati?src=hashtag_click) (accessed March 30, 2022).

<sup>131</sup> Fabrice Marimootoo, "Maroc: à peine libéré, Maâti Monjib s'attire les foudres des autorités," *Africa News*, March 25, 2021, <https://fr.africanews.com/2021/03/25/maroc-a-peine-libere-maati-monjib-s-attire-les-foudres-des-autorites/> (accessed March 30, 2022).

<sup>132</sup> "المعطي منجب: من أرنب متسامح داخل السجن إلى متطاول بالافتراء والذرائع في خارجه," *Barlamane*, March 24, 2021, <https://www.barlamane.com/%d8%a7%d9%84%d9%85%d8%b9%d8%b7%d9%8a-%d9%85%d9%86%d8%ac%d8%a8-%d9%85%d9%86-%d8%a3%d8%b1%d9%86%d8%a8-%d9%85%d8%aa%d8%b3%d8%a7%d9%85%d8%ad-%d8%af%d8%a7%d8%ae%d9%84-%d8%a7%d9%84%d8%b3%d8%ac%d9%86-%d8%a5/> (accessed March 30, 2022).



On the day he was freed, Monjib was ordered to surrender his Moroccan and French passports to police officers. Weeks later, Monjib found that he was unable to retrieve money from his own bank account and was unable to sell his car, apparently in application of an investigative judge's order. Monjib told Human Rights Watch that he requested a written copy of that order but never obtained it.

In September 2021, after a few months of relative lull, the harassment of Monjib resumed on pro-Makhzen media.<sup>133</sup>

On October 7, 2021, Monjib's lawyers requested that his travel ban be cancelled, and asset freeze be lifted. On October 13, the investigative judge who ordered those measures rejected the request without justification, one of his lawyers told Human Rights Watch.

## 5. Mohamed Ziane

*A lawyer, politician, and former human rights minister, he was targeted with a mix of harassment by pro-Makhzen media, secretly planted cameras invading his and a woman's privacy, pressure through family members, apparent sabotage of legal procedures in which he was involved as a lawyer, and multi-faceted harassment of his clients.*

### *An Atypical Target*

Mohamed Ziane, 79, is a lawyer, politician, and businessman well known in Morocco for his brash style.<sup>134</sup>

In 1997, a French court gave him a suspended sentence of three months in prison because a France-based bus company he owned operated without a license, and had obstructed efforts by state agencies to verifying the working conditions of its employees.<sup>135</sup>

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<sup>133</sup> Maati Monjib Facebook Page, September 3, 2021, <https://www.facebook.com/maati.monjib/posts/10159359239149513> (accessed March 30, 2022).

<sup>134</sup> Stephen Smith, "Hassan II limoge son ministre trublion Aux Droits de l'homme, Me Ziane, homme du sérail, a braqué tout le monde," *Libération*, January 27, 1996, [https://www.liberation.fr/planete/1996/01/27/hassan-ii-limoge-son-ministre-trublionaux-droits-de-l-homme-me-ziane-homme-du-serail-a-braque-tout-l\\_159035/](https://www.liberation.fr/planete/1996/01/27/hassan-ii-limoge-son-ministre-trublionaux-droits-de-l-homme-me-ziane-homme-du-serail-a-braque-tout-l_159035/) (accessed March 30, 2022).

<sup>135</sup> Court of Cassation Judgement No. 97-85.834, Paris Court of Appeal, 11<sup>th</sup> Chamber, October 13, 1997, available <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007578676>

Unlike most targets of state repression in Morocco, Mohamed Ziane was once close to the circles of political power. A former minister, leader of a loyalist political party, and government defender for decades, Ziane's troubles began in 2017 when as a lawyer he started to represent independent journalists and prominent dissidents in court and espouse their causes in public statements.

### *The Government's Lawyer*

As a lawyer, Ziane represented the government under King Hassan II, who ruled from 1961 to his death in 1999, in high-profile political cases. These included the libel trial in 1992 of Noubir Amaoui, a labor union leader who called the ministers of that time a “gang of thieves.”<sup>136</sup> With Ziane as the cabinet's lawyer, the court sentenced Amaoui to two years in prison.

In 1996, Hassan II appointed Ziane as minister of human rights. When, as such, he received a delegation of survivors of the infamous Tazmamart prison, where opponents to the king were held incommunicado and tortured for decades, he reportedly told them to “consider [themselves] happy to be back and alive.”<sup>137</sup>



Defense lawyer Mohamed Ziane speaks outside the Court of Appeal of Casablanca, Morocco, on October 17, 2017. © 2017 AP Photo/Abdeljalil Bounhar

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<sup>136</sup> Smith, “Hassan II limoge son ministre trublion Aux Droits de l'homme,” *Libération*, January 27, 1996.

<sup>137</sup> Ibid.

In 2006, self-admitted former French intelligence agent Claude Moniquet sued the Moroccan independent weekly *Le Journal* for libel for saying that a report by Moniquet on Western Sahara was “written by remote control by the royal palace.”<sup>138</sup> Representing Moniquet, Ziane won a court judgment ordering *Le Journal* to pay Moniquet the equivalent of \$360,000 in damages. *Le Journal* was unable to pay the fine and its then-publisher Aboubakr Jamaï had to resign and leave Morocco as a consequence, in what was then seen as a major blow for press freedom in Morocco.<sup>139</sup>

In 2011, Ziane opposed the February 20 movement, the Moroccan version of the Arab Spring pro-democracy protest movements, because he considered that it endangered the kingdom’s “stability.”<sup>140</sup>

### “Turning Point”

Ziane’s political trajectory veered in 2017 after the eruption of the Hirak, a massive wave of popular protest, in the Rif region in northern Morocco. Starting then, Ziane publicly criticized statements and decisions, including on security matters, presumably made at the kingdom’s highest levels. That is when his troubles began.

Though the Hirak leaders insisted they were peaceful and concerned only with social and economic conditions in their region, on May 15, 2017, all political parties represented in the government signed a joint statement calling the Hirak leaders “separatists” and “saboteurs,” and accusing them of being secretly funded by “foreign parties with a hostile

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<sup>138</sup> Michael Bouffieux, “Le Journaliste Était Un Espion,” Le Blog de Michel Bouffieux, January 5, 2012, <https://www.michelbouffieux.be/article-l-espion-claude-moniquet-se-confie-96802476.html> (accessed March 30, 2022).

<sup>139</sup> “Aboubakr Jamaï quitte «Le Journal»... et le Maroc,” *La Vie Éco*, January 19, 2007, <https://www.lavieeco.com/en-direct/aboubakr-jamai-quitte-ale-journala-et-le-maroc-10999/> (accessed March 30, 2022); “Maroc.Le directeur du “Journal hebdomadaire” part mais ne capitule pas,” *Courrier International*, January 25, 2007, <https://www.courrierinternational.com/article/2007/01/23/le-directeur-du-journal-hebdomadaire-part-mais-ne-capitule-pas> (accessed March 30, 2022).

<sup>140</sup> “حوار مفتوح مع النقيب محمد زيان، وزير حقوق الإنسان الأسبق، والمنسق الوطني للحزب المغربي الحر,” Abdessamad Benobadd, YouTube, April 26, 2021, [https://www.youtube.com/watch?v=Df\\_Kl1mVX9U](https://www.youtube.com/watch?v=Df_Kl1mVX9U)

agenda against Morocco.”<sup>141</sup> The police began cracking down shortly afterward with over 450 protesters arrested, many of them tortured in police stations.<sup>142</sup>

A few days into the crackdown, Ziane, who has family roots in the Rif, publicly stated that Hirak members were “not secessionists” and had a right to protest against the “government’s mistakes.”<sup>143</sup> At the end of June 2017, Ziane became the lead lawyer of Hirak top leader Nasser Zefzafi, who was prosecuted alongside 52 fellow protest leaders for “harming the state’s internal security” and “rebellion.”

Ziane told Human Rights Watch later that he pleaded the Hirak’s cause with “members of the king’s close entourage,” but was confronted by “hardliners who were seeking strong convictions and resented him for taking the side of vandals.”<sup>144</sup> Serving as counsel for the Rif’s charismatic chief “separatist,” as the government communiqué had it, signaled Ziane’s willingness to take on, and perceivably defy powerful state and security apparatuses.<sup>145</sup> That “break” with the government was a “turning point” in his career, he told Human Rights Watch.

After about a year of proceedings and 86 trial sessions, all 53 Hirak leaders would be convicted and sentenced to heavy prison sentences, largely based on “confessions” the police extracted from them allegedly under torture.<sup>146</sup> Zefzafi was sentenced to 20 years.

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<sup>141</sup> “المغرب يتهم حراك الريف بالانفصال وتلقي أموال الخارج (شاهد),” *Arabizi*, May 15, 2017, <https://arabizi21.com/story/1006068/%D8%A7%D9%84%D9%85%D8%BA%D8%B1%D8%A8-%D9%8A%D8%AA%D9%87%D9%85-%D8%AD%D8%B1%D8%A7%D9%83-%D8%A7%D9%84%D8%B1%D9%8A%D9%81-%D8%A8%D8%A7%D9%84%D8%A7%D9%86%D9%81%D8%B5%D8%A7%D9%84-%D9%88%D8%AA%D9%84%D9%82%D9%8A-%D8%A3%D9%85%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D8%AE%D8%A7%D8%B1%D8%AC-%D8%B4%D8%A7%D9%87%D8%AF> (accessed March 30, 2022).

<sup>142</sup> “Morocco: King Brushes Off Evidence of Police Abuse,” Human Rights Watch press release, September 5, 2017.

<sup>143</sup> “Mohamed Ziane : “Les Rifains ne sont pas des sécessionnistes,” May 31, 2017, *Maroc Hebdo*, <https://www.maroc-hebdo.press.ma/mohamed-ziane-rifains-ne-secessionnistes/> (accessed March 30, 2022).

<sup>144</sup> In-person interview of Mohamed Ziane with Human Rights Watch on June 28, 2021, in Rabat.

<sup>145</sup> “Nasser Zefzafi, Morocco’s Charismatic Protest Leader,” Fanack, August 21, 2017, <https://fanack.com/faces-en/nasser-zefzafi-89323/> (accessed March 30, 2022).

<sup>146</sup> Ahlam Ben Saga, “Morocco Condemns HRW Meddling with Hirak Case at its Appeal Process,” *Morocco World News*, December 5, 2018, <https://www.moroccoworldnews.com/2018/12/259592/morocco-condemns-hrw-meddling-hirak-case> (accessed March 30, 2022); “Morocco: Torture Suspicions Mar Mass Trial Verdicts,” Human Rights Watch press release, November 30, 2018, <https://www.hrw.org/news/2018/11/30/morocco-torture-suspicions-mar-mass-trial-verdicts>.

## *Wife and Sons Convicted for Hiding a Witness*

On February 23, 2018, Taoufik Bouachrine, the publisher of *Akhbar Al Youm*, a critical daily that survived a decade of state-led harassment and was widely considered the last independent daily in Morocco, was arrested in his Casablanca office.<sup>147</sup> Three days later, a prosecutor charged Bouachrine with trafficking in human beings, rape, sexual abuse, and sexual harassment, and the following day Ziane became his lawyer (see case study on Bouachrine).

A prosecutor listed 12 women as complainants or witnesses against Bouachrine. All of them responded to summons by the judiciary police to answer questions regarding Bouachrine's alleged sexual harassment or abuse of them. While eight confirmed allegations, four denied that Bouachrine had harassed or assaulted them, according to court documents that Human Rights Watch reviewed. When three of those four women refused to appear in court, a judge ordered the police to bring them by force.

One of these three women was journalist Amal Houari, who insisted that contrary to the charges formulated against him, Bouachrine did not "rape or attempt to rape" her.<sup>148</sup> Ziane told Human Rights Watch that Houari told him in a phone call on June 6, 2018, that she refused to appear in court, and was "terrified" that the police might arrest her, like they had done earlier the same day to Hanan Bakour, another journalist who refused to testify against Bouachrine.<sup>149</sup>

Ziane told Human Rights Watch that because he was then out of town, he suggested that Houari spent the night at his son's house for her security, and promised to meet her there the next morning to discuss the situation. Houari accepted. A few hours later, the police entered the house in question, which led a panicked Houari to hide in the trunk of a SUV parked in the house's garage, according to Ziane's account and to press reports.<sup>150</sup>

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<sup>147</sup> Benchemsi, "La tragique saga d'« Akhbar al-Yaoum »,» *L'Obs*, April 1, 2021,.

<sup>148</sup> "مشنكية ضد بو عشرين: لم يغتصبني ولم أقدم به شكاية ولم أفهم ماذا حدث" Noon Presse, March 2, 2018, <https://www.noonpresse.com/%D9%85%D8%B4%D8%AA%D9%83%D9%8A%D8%A9-%D8%B6%D8%AF-%D8%A8%D9%88%D8%B9%D8%B4%D8%B1%D9%8A%D9%86-%D9%84%D9%85-%D9%8A%D8%BA%D8%AA%D8%B5%D8%A8%D9%86%D9%8A-%D9%88%D9%84%D9%85-%D8%A3%D9%82%D8%AF%D9%85-%D8%A8/> (accessed July 19, 2022).

<sup>149</sup> Yasser al-Makhtout, "حنان باكور" تنقل الى المستعجلات في غيبوبة بعد اقتحام الأمن للمنزل, June 4, 2019, *Akhbar al-Yaoum*, <https://alyaoum24.com/1094727.html> (accessed March 30, 2022).

<sup>150</sup> "Affaire Bouachrine: La journaliste Amal Houari menace de grève de la faim après son arrestation," Arab Travel Invest Magazine, August 6, 2018, <https://www.arab-travelinvest-fr.com/2018/06/houari.html> (accessed March 30, 2022).

The police found Houari there, arrested her, and drove her to court around midnight that same day.<sup>151</sup> Ziane told Human Rights Watch that the police also arrested two of his sons who were in the house, held them in custody that night, releasing them the next morning when Ziane arrived at the station. Houari was then prosecuted, while provisionally free, on charges of evading a court summons. The prosecutor also charged Ziane and some of his family members with obstruction of justice. After one year of proceedings, a court convicted Houari, Ziane, Ziane's wife, and his two sons and sentenced them to one year of prison, suspended.

In a report released in 2020, the United Nation's Working Group on Arbitrary Detention commented that "such proceedings against a defense witness and the defendant's lawyer no doubt undermined the defense's ability to focus, thereby compromising Mr. Bouachrine's right to dispose of the means to defend himself, in violation of the International Covenant on Civil and Political Rights," which Morocco ratified in 1979.<sup>152</sup>

### *Violations of Privacy, Threats, Secretly Filmed Videos Leaked*

In 2017, Ouahiba Khourchech, 37 years old at the time, solicited Ziane's services in a sexual harassment case.

A police officer formerly in charge of the division on violence against women in El Jadida, south of Casablanca, Ouahiba Khourchech reported suffering mounting sexual harassment by her boss over two years, according to a profile of her authored by Samia Errazzouki, a US-based Moroccan activist.<sup>153</sup> Ziane filed a complaint against Khourchech's boss, on her behalf in late 2017.

In October 2018, while Khourchech was in Morocco, an unknown woman called her husband, a US citizen residing in Oakland, near San Francisco, California, using a mobile

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<sup>151</sup> Kifache TV, "قضية توفيق بو عشرين.. آمال الهواري تدخل المحكمة," YouTube, Video Clip, June 6, 2018, [https://www.youtube.com/watch?v=rw-aP\\_Ml-F8](https://www.youtube.com/watch?v=rw-aP_Ml-F8) (accessed March 30, 2022).

<sup>152</sup> Human Rights Council Working Group on Arbitrary Detention, "Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session, 19–23 November 2018, Opinion No. 85/2018 concerning Toufik Bouachrine (Morocco)", page 12, note 71, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/020/29/PDF/G1902029.pdf?OpenElement> (accessed April 4, 2022).

<sup>153</sup> Samia Errazzouki, "A Moroccan Cop's Battle Against Sexual Harassment — Including Her Own," *New Lines Magazine*, November 18, 2020, <https://newlinesmag.com/reportage/a-moroccan-cops-battle-against-sexual-harassment-including-her-own/> (accessed March 30, 2022).

phone number with a Moroccan country code, Khourchech told Human Rights Watch.<sup>154</sup> The woman did not provide a name but introduced herself as “an agent of Moroccan *moukhabarat* [intelligence services].” According to Khourchech, after the female caller gave the husband personal information concerning him, apparently as a way to establish her credibility as an intelligence agent, she told him that his wife was having an affair with her lawyer, Mohamed Ziane.

The woman added that Khourchech should withdraw her sexual harassment complaint and drop Ziane as her lawyer, or else the couple’s daughter, who was then five years old and resided with her mother in Morocco, would be abducted. The woman then hung up, according to Khourchech.

In November 2018, Ziane visited Khourchech and her daughter while they were vacationing for a few days in the Hotel Dawliz in Salé, a town near Rabat. Khourchech told Human Rights Watch that at the end of her stay, she noticed that her personal belongings had been searched, and that personal documents were missing. Two days after Khourchech left the hotel, the same unknown woman called her husband in San Francisco, she said. She told him that his wife had met Ziane in a hotel room.

On January 8, 2019, Khourchech joined her husband for a two-week vacation in San Francisco. Two days later, the same Moroccan phone number sent the husband a picture showing Ziane in the company of Khourchech, in her car. The accompanying message said: “Congratulate your wife, Ziane bought her a new car.” The same number sent two more pictures, Khourchech told Human Rights Watch. The first one showed her and her five-year-old daughter in a room, both naked, and the second one, taken in the same room, showed Khourchech and her daughter both dressed, and Ziane, wearing a bathrobe. The accompanying message said: “We have more pictures, in more shameful situations, we refrain from sending them to you out of decency.” Khourchech told Human Rights Watch that she recognized the Dawliz hotel room where she and her daughter had stayed two months earlier, but that the second picture had been edited to include Ziane, she said.

The next day, Khourchech filed a complaint for threats and violation of privacy with the Oakland police, she told Human Rights Watch.

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<sup>154</sup> Interview with Human Rights Watch via Signal on July 3, 2021.

Khourchech came back to Morocco on January 23, 2019, and resumed her work as a police officer. She wrote a detailed report listing the threatening calls, texts, and messages her husband received, and addressed the report to Abdellatif Hammouchi, the director general of the police, she said.

On February 25, 2019, while she was walking towards the Casa-Port train station in Casablanca to board a train to El Jadida, two unknown men accosted her in the street and told her, “Your daughter [they mentioned the child’s name] is dead, you will never see her again,” then walked away, Khourchech told Human Rights Watch. Khourchech said she rushed to the station to take her train while calling her mother in El Jadida, with whom the child was staying, to check on them. They were safe.

Upon arriving in El Jadida, Khourchech went straight to a prosecutor’s office, told him what happened and requested protection. She told Human Rights Watch she had a “hysteria crisis” in the prosecutor’s office. The prosecutor called an ambulance, which transported Khourchech to a hospital.

Khourchech said she was “heavily sedated” and unable to work for several months after that. On December 3, 2019, she sent a resignation letter to Hammouchi, and filed for a travel authorization, as Moroccan police agents are required to do whenever they want to leave the country. Khourchech said a colleague of hers orally notified her later that both her requests to resign and travel had been rejected.

About two weeks later, Khourchech and her daughter, then 6, managed to cross the land border to the Spanish enclave of Melilla. After two months of proceedings, the woman and the girl left Melilla for mainland Spain, before traveling to the US to join Khourchech’s husband in July 2020.

In October 2020, Chouf TV, a pro-Makhzen website, published several pictures showing Khourchech in the company of Ziane in public places in Morocco, alleging an affair between the two.<sup>155</sup> The pictures, which Khourchech said in a YouTube video were taken without her knowledge or consent, included the one in the car that Khourchech’s husband

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<sup>155</sup> “بوح الإنتماء: تفاصيل بوح النصر بـكركرارات و تلاوة القرآن في بيت الرئيس الجزائري” Abu Wael Al-Rifi, Chouf TV, November 15, 2020, <https://mobile.chouftv.ma/press/315782.html> (accessed April 4, 2022)



had received by text almost two years before.<sup>156</sup> Khourchech told Human Rights Watch that the photos had been taken over the course of more than a year, indicating long-standing surveillance of her and Ziane.

By mid-November 2020, Khourchech sent a letter to the cabinet of King Mohammed VI, telling her full story and asking the king to “do her justice.” Two days after she sent the letter, Chouf TV published a few seconds-long video, filmed in the Dawliz hotel room where she had stayed two years before. The video showed a dressed woman wiping a man who is seen naked from the back with a towel. Chouf TV said the woman was Khourchech and the man, Ziane. The video’s publication generated hundreds of articles, most of them on pro-Makhzen websites, commenting on what a website aligned on authorities called the “sexual scandal of the lawyer Ziane in a whorehouse.”<sup>157</sup>

In 2019, an investigative judge closed the sexual harassment complaint Khourchech had filed, without going to trial. Ziane told Human Rights Watch that he pursued all legal routes to reopen the case, until the Cassation Court in 2021 definitively refused to order its reopening.

### *His Son in Prison*

On April 15, 2020, the police arrested Ziane’s son Nasser, 31, in Casablanca on suspicion that he was involved in “the production and distribution of contraband face masks.”<sup>158</sup> Three weeks earlier, Morocco had ordered a general lockdown in response to rising Covid-19 infections. Face masks, then a rare commodity, were in high demand.

The arrest of several persons involved in a commercial deal in progress between a mask maker (arrested as well) and a clinic, including Nasser Ziane and Nabil Nouaydi, 30, an entrepreneur and the son of human rights lawyer Abdelaziz Nouaydi, caused the deal to fall through before it could be completed.

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<sup>156</sup> The video has been made private since then.

<sup>157</sup> “المحامي محمد زيان في قلب فضيحة جنسية بإحدى فيلات الدعارة تثير ضجة واسعة” *Chamal Press*, November 25, 2020, <https://www.chamalpress.ma/2020/11/19580> (accessed March 30, 2022).

<sup>158</sup> “Soupçonné de trafic de masques sanitaires non conformes, le fils de l’avocat Mohammed Ziane arrêté,” *Barlamane.com*, April 15, 2020, <https://www.barlamane.com/fr/soupconne-de-traffic-de-masques-sanitaires-non-conformes-le-fils-de-lavocat-mohammed-ziane-arrete/> (accessed March 30, 2022).

After six months of pretrial detention, Nasser Ziane was sentenced to three years in prison on various charges including fraud. Nabil Nouaydi was sentenced, also after spending six months in pretrial detention, to ten months for “counterfeiting a trademark and displaying a product in the market that does not comply with safety conditions.”<sup>159</sup>

In separate interviews they gave to Human Rights Watch, Abdelaziz Nouaydi and Mohamed Ziane said they suspected that Nasser’s and Nabil’s arrests, trials, and convictions, were retaliation against their fathers’ political positions.

On May 20, 2021, an appeals court confirmed Nabil Nouaydi’s 10-month sentence and increased Nasser Ziane’s to three years and six months.<sup>160</sup>

### *Miscellaneous Attacks*

On December 3, 2020, the appeals court of Rabat suspended Ziane, thus preventing him from practicing the profession of lawyer, for one year. The court justified the suspension as a response to Ziane’s “outbursts” and “out of context” pleadings, including during the Bouachrine trial.<sup>161</sup>

Ziane told Human Rights Watch that since his troubles with the police began, the president of the Rabat bar association had frequently called to inform him that he had received complaints against Ziane raised by his former clients, including many whose cases had been closed, and some won, years ago.

On November 30, 2021, a prosecutor in Rabat filed criminal charges on Ziane on eleven counts: “offending judiciary personnel and public officials,” “offending institutions,” “seeking to influence court decisions through public statements,” “spreading false information about a woman because of her gender,” “spreading false information in order to defame individuals through electronic publications,” “inciting to disobey public safety

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<sup>159</sup> “Masques tueurs: 3 ans de prison ferme pour Ziane fils, et 10 mois pour Nouaidi fils,” *Hespress*, October 6, 2020, <https://fr.hespress.com/168514-masques-tueurs-3-ans-de-prison-ferme-pour-ziane-fils-et-10-mois-pour-nouaidi-fils.html> (accessed March 30, 2022).

<sup>160</sup> S.A, “Affaire des faux masques : peine durcie pour le fils de Mohammed Ziane,” *Bladi.net*, May 20, 2021, <https://www.bladi.net/faux-masques-fils-mohammed-ziane,82860.html> (accessed March 30, 2022).

<sup>161</sup> Rahim Safrioui, “Justice. L’Avocat Mohammed Ziane Suspendu Pour Une Année,” *Le 360*, March 7, 2020, <https://fr.le360.ma/societe/justice-lavocat-mohammed-ziane-suspendu-pour-une-annee-218495> (accessed March 30, 2022).

rules [in relation to the Covid-19 pandemic] through electronic publications,” “participation in adultery,” “participation in misbehavior destined to provide a bad example to children,” “participation in an individual’s secret exit of the national territory,” “helping a criminal to flee and escape investigation,” and “sexual harassment.”<sup>162</sup>

A pro-Makhzen website said some of these complaints against the lawyer had been raised by the Ministry of Interior, a representative of which told the website that “[Ziane’s] false statements amount to outright libel.”<sup>163</sup>

On February 23, 2022, the first instance tribunal of Rabat convicted Ziane and sentenced him to three years in prison for all those charges. He appealed the same day and remained provisionally free. The appeals trial had not started at the time of writing.

## 6. Taoufik Bouachrine

*A newspaper publisher and journalist currently serving a 15-year prison sentence, he was subjected to a mix of speech-based prosecutions, surveillance, cameras allegedly planted secretly in his office, harassment through pro-Makhzen media and unfair judicial proceedings including intense pressure on persons to testify against him, and intimidation of a defense lawyer, including through targeting the lawyer’s family members.*

After co-founding and serving as editor-in-chief of the daily *Al Massae* and the weekly *Al Jarida Al Oukhra*, Taoufik Bouachrine founded the daily *Akhbar Al-Yaoum* in 2007. The independent newspaper published articles and editorials tackling state corruption, including in royal palace circles.

In an editorial published in August 2017, Bouachrine criticized King Mohammed VI’s management of multiple social and political crises in Morocco. In a reference to the king’s birthday celebration in a royal palace by the beach while the northern Rif region was engulfed by an uprising, the editorial was titled “Governing is no walk on the beach.”<sup>164</sup>

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<sup>162</sup> E.O.S, “La justice retient onze chefs d’accusation contre Mohamed Ziane, procès le 9 décembre,” *Barlamane.com*, November 30, 2021, <https://www.barlamane.com/fr/la-justice-retient-onze-chefs-daccusation-contre-mohamed-ziane-proces-le-9-decembre/> (accessed March 30, 2022).

<sup>163</sup> Ibid.

<sup>164</sup> Ghriss TV, “الحكم ليس نزهة على شاطئ البحر,” Facebook, September 2, 2019, <https://www.facebook.com/goulmimapress.ma/posts/2318956801767205/> (accessed March 30, 2022).



Taoufik Bouachrine (from his Facebook page)

### *Arrest and Prosecution for Sexual Assault*

On February 23, 2018, the police arrested Bouachrine at his Casablanca office. Three days later, a prosecutor charged him with “trafficking in human beings by exploiting vulnerability, exploiting influence and using the threat of defamation for sexual purposes, rape, sexual abuse, sexual harassment, organizing acts of prostitution, and use of recording devices for pornographic activities.” The prosecutor remanded him in custody and transferred his case directly to the criminal chamber of the Casablanca court, arguing that the

case was ready for trial, without a need for judicial investigation.

The charges were based on about 50 video clips ranging in length from a few seconds to a few minutes, which the police said they found in his office and which they claim he recorded himself. According to three people Human Rights Watch interviewed, the videos apparently showed Bouachrine – or a man resembling him – in more or less explicit sexual situations with several women, in Bouachrine’s Casablanca office. With regards to the exact content of the videos, and particularly whether they featured scenes of sexual assault or coercion, the accounts of the prosecution and the defense widely diverged. Human Rights Watch was not able to verify the content of the videos, which were only played in closed court hearings and were never leaked to the public. A few articles in pro-Makhzen websites featured screenshots of what they said were from the incriminating videos showing two adults engaged in sexual activities.<sup>165</sup>

<sup>165</sup> Mohamed al-Boudali, “بالفيديو.. الحقائق الغائبة في الغزوات الجنسية لتوفيق بوعشرين,” Cawalissee, December 8, 2018, <https://www.cawalissee.com/22302.html> (accessed March 30, 2022).

Bouachrine always denied that he had installed video cameras and claimed that unknown parties had planted them in the suspended ceiling of his office and kept them there, unbeknownst to him, for more than a year. Bouachrine claimed that he never knew or suspected their existence, until the day the police arrested him and presented the cameras to him, saying they had just removed them from where they had been positioned. Bouachrine did not witness them doing so because at the time he was being held in a different room of the office suite. Throughout the trial, defense lawyers maintained that the videos had been manipulated, that Bouachrine was not recognizable in them, and that he had not recorded them.

### *Women Pressured to Testify against him*

In the days following Bouachrine's arrest, journalist Naima Lahrouri told the media that Bouachrine had sexually assaulted her, and journalist Khouloud Jabri said in interview that he had harassed her for sex in exchange of professional favors, or by hinting at professional retaliation if she rejected his advances.<sup>166</sup> The first instance court's written judgment of the case listed nine women, including Lahrouri and Jabri, as complainants. Based on police reports quoting excerpts from their hearings, the tribunal summoned three more women to testify against Bouachrine.

Even though legal documents pertaining to the first instance trial listed journalist Amal Houari as a complainant, she said that she had never agreed to file a complaint. She wrote on her Facebook account on March 2, 2018: "Bouachrine did not rape me, he did not try to rape me, I had never had a sexual relationship with him, and I did not even file a complaint. I don't know where all these things came from."<sup>167</sup> As for journalist Hanan Bakour, who was summoned as a witness against Bouachrine, she strongly denied in statements to media any romantic or sexual involvement with him, insisted that he was a "friend and colleague," and added "shame on those who try to smear my and his reputation."<sup>168</sup>

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<sup>166</sup> "SexScandal – Naima Lahrouri accuse publiquement Bouachrine « d'agressions sexuelles »,» *Article 19*, February 28, 2018, <https://article19.ma/accueil/archives/88183> (accessed March 30, 2022); Amira El Masaiti, "Alleged Victim of Taoufik Bouachrine: 'He Tried to Rape Me,'" *Morocco World News*, February 27, 2018.

<sup>167</sup> Safaa Kasraoui, "Bouachrine 'Did Not Rape' or Attempt to Rape Me: Alleged Victim," *Morocco World News*, March 3, 2018, <https://www.moroccoworldnews.com/2018/03/241711/amal-houari-victim-taoufik-bouachrine-sexual-assault> (accessed March 30, 2022).

<sup>168</sup> "Affaire Bouachrine: Hanane Bakour met les choses au clair," *Le Site Info*, March 1, 2018, <https://www.lesiteinfo.com/maroc/affaire-bouachrine-hanane-bakour-met-les-choses-au-clair/> (accessed March 30, 2022).

All 12 of these women, whether they confirmed the sexual assault allegations or denied them, appeared in court. Some came willingly, while others were forced to attend by the police.

On June 6, 2018, the police went to Bakour's apartment and threatened to arrest her if she did not follow them to court. Bakour fainted and was taken to the hospital. Later that day, she was transported directly from the hospital to court, in an ambulance.<sup>169</sup> Once in court, she had what she later told the press was a "nervous breakdown" and was unable to testify.<sup>170</sup> The tribunal summoned her back two days later.

On June 7, the police removed Amal Houari from the trunk of a car, where she had been hiding to avoid appearing in court, according to multiple press reports.<sup>171</sup> She was arrested and transported to the tribunal and remanded in custody immediately after the session on charges of obstructing justice, which prompted Bouachrine's defense lawyers to withdraw temporarily from the trial in protest at what they considered indications of a court bias against their client. Houari was later prosecuted while provisionally at liberty, alongside the persons present in the house where the car she had hidden in was parked. She was convicted of obstructing justice and sentenced to one year in prison, suspended.<sup>172</sup>

Throughout this period, pro-Makhzen media subjected Houari to incessant malicious allegations unrelated to the Bouachrine affair. On March 6, Barlamane, a website headed by a former high-level security official, went as far as publishing an article with the headline "Amal Houari Denies Being Raped by a [Politician], but Barlamane Confirms the

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<sup>169</sup> "Les comparutions forcées de témoins se suivent... et ne se ressemblent pas," *TelQuel*, June 8, 2018, [https://TelQuel.ma/2018/06/08/les-comparutions-forcees-de-temoins-se-suivent-et-ne-se-ressemblent-pas\\_1597343](https://TelQuel.ma/2018/06/08/les-comparutions-forcees-de-temoins-se-suivent-et-ne-se-ressemblent-pas_1597343) (accessed March 30, 2022).

<sup>170</sup> "Témoins convoqués manu militari, hospitalisation... Une audience nocturne chaotique," *TelQuel*, June 5, 2018, [https://TelQuel.ma/2018/06/05/temoins-convoques-manu-militari-hospitalisation-une-audience-nocturne-chaotique\\_1596831](https://TelQuel.ma/2018/06/05/temoins-convoques-manu-militari-hospitalisation-une-audience-nocturne-chaotique_1596831) (accessed March 30, 2022).

<sup>171</sup> « Amal Houari retrouvée cachée dans le coffre de la voiture du fils de Ziane, » *Maghress*, June 6, 2018, <https://www.maghress.com/fr/observateur/51860> (accessed July 19, 2022).

<sup>172</sup> Chakir Alaoui, "Me Ziane, son épouse, ses deux fils et Amal Houari condamnés à 1 an de prison avec sursis," *Le 360*, May 22, 2019, <https://fr.le360.ma/societe/me-ziane-son-epouse-ses-deux-fils-et-amal-houari-condamnes-a-1-an-de-prison-avec-sursis-190776> (accessed March 30, 2022).

Rape.”<sup>173</sup> Because rape victims are still frequently stigmatized in Morocco, such a headline was widely perceived as an attack against Houari.

On February 24, 2018, the day after Bouachrine’s arrest, police summoned *Akhbar Al-Yaoum* staffer Afaf Bernani. Bernani later told an American journalist that when she arrived at the station, a police officer pounded the table while yelling at her, “Tell us everything! We already know the truth!”<sup>174</sup> She added: “I didn’t know why I was here, I didn’t know what he was talking about.”

Bernani provided more details in an op-ed published in the Washington Post two years later: “For over eight hours, interrogators aggressively pressured me to confess that Bouachrine had sexually assaulted me. I say ‘confess’ because, from that moment onward, it was clear that if I refused to comply with the regime’s narrative of being a ‘victim,’ I would face the fate of a criminal.”<sup>175</sup>

Bernani assured Human Rights Watch that she did not give in, refusing to accuse Bouachrine of sexually harassing her “because he never did anything to [her].

“Days after the interrogation,” Bernani continued, “I saw not only that the police had falsified my statements [to make me accuse Bouachrine falsely] but also that excerpts of my alleged testimony had been leaked to state-aligned media outlets.” In response, Bernani filed on March 8 a forgery complaint with the Court of Cassation in Rabat, which is tasked to review complaints against police forces.<sup>176</sup> The Cassation Court rejected

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<sup>173</sup> “آمال الهواري تنفي اغتصابها من طرف وزير بـ”البيجدي” و”برلمان.كوم” يؤكد خبر الاغتصاب,” *Barlamane.com*, March 6, 2018,

<https://www.barlamane.com/%D8%A3%D9%85%D8%A7%D9%84-%D8%A7%D9%84%D9%87%D9%88%D8%A7%D8%B1%D9%8A-%D8%AA%D9%86%D9%81%D9%8A-%D8%A7%D8%BA%D8%AA%D8%B5%D8%A7%D8%A8%D9%87%D8%A7-%D9%85%D9%86-%D8%B7%D8%B1%D9%81-%D9%88%D8%B2%D9%8A%D8%B1/> (accessed March 30, 2022).

<sup>174</sup> Lindsey, “Me Too in Egypt & Morocco”, *New York Review of Books*, April 8, 2021.

<sup>175</sup> Afaf Bernani, “Opinion: Morocco Must Stop Using Sexual Assault Allegations to Silence Dissent,” *The Washington Post*, August 24, 2020, <https://www.washingtonpost.com/opinions/2020/08/24/morocco-must-stop-using-sexual-assault-allegations-silence-dissent/> (accessed March 30, 2022).

<sup>176</sup> “Jailed Morocco journalist was warned by Khashoggi he was a target of MBS,” *Middle East Monitor*, June 28, 2019, <https://www.middleeastmonitor.com/20190628-jailed-morocco-journalist-was-warned-by-khashoggi-he-was-a-target-of-mbs/> (accessed March 30, 2022).

Bernani's complaint the same day. According to Mohamed Ziane, Bernani's lawyer, there was no investigation prior to the court's ruling.<sup>177</sup>

On March 12, 2018, Bernani wrote, the police "abducted [her] without presenting a warrant" from the house of a friend where she was hiding, after encircling the building and cutting off the water and electricity to force them out.<sup>178</sup> "They brought me straight to court, where the prosecutor interrogated me for several hours, insisting throughout that I was the one who had falsified my own testimony." Ziane told Human Rights Watch that the prosecutor that day had pressed Bernani to file a complaint against her own lawyer (Ziane) for "pressing charges on her behalf without her knowledge or consent, or else she would be the one accused of defaming the police." Bernani refused to comply. The same day, the prosecutor charged her with defaming the police.

The first session of Bernani's defamation trial was held on April 17, 2018, at the Ain Sebaa Court of First Instance in Casablanca. Ziane and Bernani told Human Rights Watch in separate interviews that they arrived together at the courthouse at 9:05 a.m. The judge informed them that their session had already been held at the time scheduled for it 9a.m.<sup>179</sup> After taking note of the defendant's and her lawyer's absence, and after the prosecution abstained from any speaking, the court tried the case in less than five minutes and then adjourned to deliberate.

A Casablanca first instance court sentenced Bernani to six months in prison.<sup>180</sup> "During this entire process," Bernani recounted, "I was constantly harassed and defamed on state-aligned media outlets, which in one breath went from sympathizing with me as an alleged

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<sup>177</sup> "Affaire Taoufik Bouacherine: la défense débutée en cassation de son recours contre le Procureur général," *Le Desk*, March 12, 2018, <https://ledesk.ma/encontinu/affaire-taoufik-bouachrine-la-defense-debutee-en-cassation-de-son-recours-contre-le-procureur-general/> (accessed March 30, 2022).

<sup>178</sup> Lindsey, "Me Too in Egypt & Morocco," *New York Review of Books*, April 8, 2021.

<sup>179</sup> Ezzedeen Muqassat, "الحكم على عفاف برناني.. بدون الاستماع إليها ولا مرافعات!", *Al Akhbar al-Yaoum*, April 24, 2018, <https://alyaoum24.com/1071676.html> (accessed March 30, 2022).

<sup>180</sup> "Afaf Bernani, "victime" dde Taoufik Bouacherine, condamnée a six mois de prison," *Medias 24*, April 24, 2018, <https://medias24.com/2018/04/24/afaf-bernani-victime-de-taoufik-bouachrine-condamnee-a-six-mois-de-prison/> (accessed March 30, 2022).



victim of sexual assault to degrading my character with defamatory insults and characterizing me as a guilty party.”<sup>181</sup>

One June 2019, after an appeals court confirmed her sentence for defaming the police and before the sentence was executed, Afaf Bernani fled to Tunisia, before settling in the United States in 2022.<sup>182</sup> The harassment of her in pro-Makhzen media continued after her departure and has not stopped at time of writing, two years later.<sup>183</sup>

### *Other Alleged Victims Maintained Their Accusations*

Only Bernani, Bakour, and a third woman refused to testify against Bouachrine despite the multi-faceted, intense pressure exerted on them to do so, and Houari successfully insisted on being de-listed as a complainant. The eight other women whom the prosecutor had originally listed as complainants remained so until the end of the trial. None of them recanted their original testimony. Bernani heard two of them say in court that Bouachrine used to “keep them in the office late and making unwanted physical advances.”<sup>184</sup> Though most of them never made public statements beyond the trial, a few gave repeated interviews, including to pro-Makhzen media in which they consistently reaffirmed that Bouachrine had sexually assaulted them.<sup>185</sup>

Kawtar Fal, one of the women who gave no interview while maintaining her complaint against Bouachrine, was later accused by Belgian authorities of being an agent of

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<sup>181</sup> Youssef Bellarbi, “Comment Maâti Monjib a fait clandestinement émigrer Afaf Bernani,” *Le 360*, July 10, 2022, <https://m.le360.ma/societe/affaire-bouachrine-comment-maati-monjib-a-fait-clandestinement-emigrer-afaf-bernani-194070> (accessed March 31, 2022); “Afaf Bernani, résidente en Tunisie, continue de percevoir son salaire du quotidien Akhbar Al-Yaoum,” *Barlamane.com*, February 21, 2020, <https://www.barlamane.com/fr/afaf-bernani-residente-en-tunisie-continue-de-percevoir-son-salaire-du-quotidien-akhbar-al-yaoum/> (accessed March 31, 2022).

<sup>182</sup> “قضية توفيق بوعشرين: عفاف برناني تغادر المغرب للفرار نحو فرنسا عبر تونس ومنظمة دولية ترفض مساندتها,” *Barlamane.com*, February 21, 2020, <https://www.barlamane.com/%D9%82%D8%B6%D9%8A%D8%A9-%D8%AA%D9%88%D9%81%D9%8A%D9%82-%D8%A8%D9%88%D8%B9%D8%B4%D8%B1%D9%8A%D9%86-%D8%B9%D9%81%D8%A7%D9%81-%D8%A8%D8%B1%D9%86%D8%A7%D9%86%D9%8A-%D8%AA%D8%BA%D8%A7%D8%AF%D8%B1-%D8%A7/> (accessed March 31, 2022).

<sup>183</sup> Jafaar al-Harr, “يمكنه التأثير على “واشنطن بوست” مقالاً في “أنا أكخبار” May 2, 2021, <https://www.anakhabar.com/103342/> (accessed March 31, 2022); “عفاف “عطيني القيثارة والباصور,” *Casa 24*, June 24, 2019, <https://www.casa24.ma/people/21156.html> (accessed March 31, 2022).

<sup>184</sup> Lindsey, “Me Too in Egypt & Morocco,” *New York Review of Books*, April 8, 2021.

<sup>185</sup> “Les victimes de Taoufik Bouachrine se livrent à cœur ouvert,” *Le Site Info*, April 2, 2021, <https://www.lesiteinfo.com/maroc/les-victimes-de-taoufik-bouachrine-se-livrent-a-coeur-ouvert/> (accessed March 31, 2022); “خلود الجابري: هكذا أراد بوعشرين الإيقاع بي,” *Ahdath*, February 27, 2018, <https://ahdath.info/367227> (accessed March 31, 2022).

Morocco's counter-intelligence services.<sup>186</sup> On July 2018, while the Bouachrine trial was still ongoing, she was detained during several weeks in Belgium, then expelled from the country, on suspicion of espionage.<sup>187</sup> In September 2020, French media quoted a Belgian police report justifying Fal's detention and expulsion: "The State Security [...] considers that Ms. Fal constitutes a threat to national security, because it has found that she [is] actively involved in intelligence activities for the benefit of Morocco."<sup>188</sup>

### *Unfair trial proceedings*

Bouachrine's trial lasted more than 40 sessions. Abdelaziz Nouaydi, a Moroccan human rights lawyer, attended all the sessions to observe the trial on behalf of Human Rights Watch, until the court barred him from entry on June 7, after ordering a closed-door trial. During the sessions he attended, Nouaydi said he noted the judge's repeated rejection of the defense's many motions about due process violations, including its motion to reject means of proof it contended was illegally obtained.

On November 8, 2018, the criminal chamber of Casablanca's Court of First Instance sentenced Bouachrine to 12 years in prison for human trafficking, rape with violence, and sexual assault, and ordered him to pay damages to eight women of 150,000 to 800,000 dirhams (\$15,000 to 80,000) each. On October 27, 2019, an appeals court increased the sentence to 15 years.<sup>189</sup>

In 2020, the United Nation's Working Group on Arbitrary Detention concluded that both trials were marred by due-process violations and "judicial harassment attributable to nothing other than Bouachrine's investigative journalism."<sup>190</sup>

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<sup>186</sup> Ali Amar, "Le cas Koutar Fal, espionne du Maroc selon les autorités belges," *Le Desk*, September 19, 2020, <https://ledesk.ma/2018/07/15/le-cas-kaoutar-fal-espionne-du-maroc-selon-bruxelles/> (accessed March 31, 2022).

<sup>187</sup> "Une Marocaine en centre fermé, soupçonnée d'avoir espionné pour le Maroc," *RTBF*, July 14, 2018, <https://www.rtbf.be/article/une-marocaine-en-centre-ferme-soupconnee-d-avoir-espionne-pour-le-maroc-9972469?id=9972469> (accessed March 31, 2022)

<sup>188</sup> El Azzouzi and Moussaoui, "Omar Radi est devenu une ligne rouge," September 21, 2020.

<sup>189</sup> "Moroccan court increases journalist's jail term to 15 years," *Africa News*, October 27, 2019, <https://www.africanews.com/2019/10/27/moroccan-court-increases-journalist-s-jail-term-to-15-years/> (accessed March 31, 2022).

<sup>190</sup> Human Rights Council Working Group on Arbitrary Detention, "Opinions adopted by the Working Group on Arbitrary Detention at its eighty-third session, 19–23 November 2018, Opinion No. 85/2018 concerning Toufik Bouachrine (Morocco)".

### *Abused in Prison*

From the first day of his detention in Casablanca's Ain El Borja prison in February 2018, authorities have kept Bouachrine in a single cell, prevented him from meeting with other prisoners at any time, and forbidden guards to speak with him, his wife told Human Rights Watch. According to UN Standard Minimum Rules for the Treatment in of Prisoners, any solitary confinement that lasts over 15 days consecutive is considered cruel, inhuman, or degrading treatment. Bouachrine was kept in abusive solitary confinement for a year and two months.<sup>191</sup>

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has noted that, "It is generally acknowledged that all forms of solitary confinement without appropriate mental stimulation are likely, in the long term, to have damaging effects resulting in deterioration of mental faculties and social abilities." In April 2018, Bouachrine's wife told Human Rights Watch that she was concerned over a pattern of memory loss she said she perceived when interacting with her husband.<sup>192</sup>

## 7. Soulaïman Raïssouni

*An independent columnist currently serving a 5-year prison sentence, he was targeted by harassment pro-Makhzen media and an arbitrary prolonged pretrial detention.*

Soulaïman Raïssouni, 49, is a popular columnist who worked for several Moroccan outlets, including the dailies *Al Aoual* and *Al Massae*. In 2018, he took over from Taoufik Bouachrine, after the latter's arrest on charges of sexual assault and harassment, as editor in chief of *Akhbar Al-Yaoum*, the last print daily in Morocco with an independent editorial line before it closed in March 2021.<sup>193</sup> Raïssouni drew attention for criticizing King Mohamed VI and powerful figures, such as top police chief Abdellatif Hammouchi.<sup>194</sup> In 2019, authorities arrested *Akhbar Al-Yaoum* journalist Hajar Raïssouni, Soulaïman's niece, on charges of having an abortion and sex outside marriage. Hajar Raïssouni told

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<sup>191</sup> "Morocco: Jailed Journalist Stuck in Abusive Solitary," Human Rights Watch press release, April 12, 2019, <https://www.hrw.org/news/2019/04/12/morocco-jailed-journalist-stuck-abusive-solitary>

<sup>192</sup> Ibid.

<sup>193</sup> Benchemsi, "Tribunue. La tragique saga d'« Akhbar al-Yaoum »,," April 1, 2021, *L'Obs*.

<sup>194</sup> "سليمان الريسوني يكتب: اختفاء بلاغات الحموشي وعبد النوي," May 20, 2020, <https://alyaoum24.com/1417799.html> (accessed March 31, 2022).

Human Rights Watch that her police interrogators “asked me more about Souleiman than about the trumped-up accusations against me.” A Rabat court sentenced Hajar Raissouni to one year in prison before the king pardoned her.

In an editorial in May 2020, Raissouni criticized Hammouchi for his handling of the national lockdown in response to the then-emerging COVID-19 pandemic.<sup>195</sup> Raissouni remarked that the number of those arrested for violating the lockdown exceeded the number of those tested for the virus, questioning what he called a “security-minded management of a health crisis.”

### *Accusation of Molesting a Gay Man*

On May 14, 2020, a 25-year-old Moroccan LGBT rights activist known under the alias Adam Mohammed (henceforth identified as “Adam”) posted on his personal Facebook page a claim that a man had sexually assaulted him in 2018. The post did not name Souleiman Raissouni but provided details sufficient to identify him. Adam had come to know Raissouni’s wife, videographer Khoulood Mokhtari, when she was interviewing him for a documentary film project on LGBT people in Morocco.

In his Facebook post, Adam claimed the man invited him to the couple’s apartment on September 15, 2018, under the pretext of a filming session.<sup>196</sup> Adam says the man told him that Mokhtari and a cameraman would be present, but he was surprised that they were not. He said he was also surprised when the man told him the shooting would happen in the bedroom, but followed him nonetheless. Once he sat on the bed, Adam later told the police in a signed statement, Raissouni closed the blinds and locked the door, then pushed him on his back, forcefully held his hands together in the air and proceeded, uninvited, to kiss Adam’s neck and touch his buttocks. Adam said he threatened to shout after unsuccessfully trying to push back his attacker; at which point Raissouni released him and he left the apartment. The alleged incident took place without any clothing being removed.

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<sup>195</sup> Ibid.

<sup>196</sup> “محامي الريسوني: سليمان تحت الحراسة النظرية وزوجته توصلت باستدعاء,” *Ahdath*, May 23, 2020, <https://ahdath.info/580073> (accessed March 31, 2022).



Soulaïman Raïssouni (from his Facebook page)

### *Pro-Makhzen Media Harassment*

The day after Adam published his Facebook post, nearly two years after the alleged events in question, Chouf TV, a pro-Makhzen website, republished it under the title “The first raindrop before it pours: little Soulaïman must provide clarifications after a homosexual accuses him of sexual harassment.”<sup>197</sup>

The promised downpour occurred in the following days and weeks, in the form of dozens of stories on Chouf TV and in other pro-Makhzen outlets, including Barlamane and Le360. The articles were filled with vulgar insults and sexually-themed accusations against Raïssouni, including not only that he “fully raped” Adam Mohammed, but also that he lived in concubinage with a woman with whom a relative of Raïssouni had fathered an “illegitimate

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<sup>197</sup> Rueckert and Schilis-Gallego, “Journaliste Surveillé au Maroc : « La Descente Aux Enfer D’Omar Radi »,” *Forbidden Stories*, July 7, 2020; Chouf TV Facebook post, May 15, 2020, “البحر في زمن كورونا : أول الغيث قطرة سليمنية الريسوني مطالب بالتوضيح بعد أن ., إتهمه مثلي بالتحرش به” (accessed March 31, 2022).

child” (the relative and the woman were named and an uncensored excerpt of the child’s birth certificate was published).<sup>198</sup>

Raissouni responded through a few short Facebook posts, accusing the directors of Barlamane and Chouf TV by name, as well as high-level state officials, of being “sexual deviants,” a derogatory Arabic phrase for homosexuals.

Those posts, written in graphic language, only fueled further attacks on Raissouni on pro-Makhzen websites. Chouf TV published a series of articles – including trailers for upcoming episodes – rife with vulgar insults, under titles such as “Slaimina Show” (Slaimina is Arabic for “little Soulaïman”) and “Haruniyat Soulaïman” (which can be freely translated to “Soulaïman’s Debauchery,” in reference to the eighth century Caliph Harun al-Rashid, known in popular culture for his dissolute lifestyle).<sup>199</sup>

On May 17, Chouf TV published an article entitled “Slaimina Raissouni: This Is the Last Warning before Your Destruction.”<sup>200</sup>

The police arrested Raissouni five days later in the street outside his home in Casablanca. Chouf TV was there to film the arrest.<sup>201</sup> Raissouni has been in custody ever since.

### *Unjustified Pretrial Detention, Trial by Absentia, Rejection of a Witness*

On May 20, 2020, the police summoned Adam for interrogation in a police station in Marrakesh, where he then resided. According to a statement to the police in the case file, which Human Rights Watch has reviewed, Adam confirmed that day that Raissouni was the unnamed alleged perpetrator of the 2018 sexual assault he reported on Facebook a few days earlier.

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<sup>198</sup> Human Rights Watch has read the article that Chouf TV published in May 2020 (accessed on April 25, 2022) and is refraining from linking to it so as to avoid spreading the allegations it contains.

<sup>199</sup> Chouf TV’s Facebook Page, May 18, 2020, <https://www.facebook.com/chouftv.maroc/posts/3644580348965460/> (accessed April, 2022).

<sup>200</sup> “سليمان سليمانة الريسوني.. البوح ما قبل الأخير ما قبل التدمير,” Chouf TV, May 17 2020, <https://chouftv.ma/press/250314.html> (accessed July 5, 2022).

<sup>201</sup> “أول فيديو للحظة | اعتقال سليمان الريسوني.. شوفو شحال ديال البوليس شدوه 4 أو 15,” Video Clip, YouTube, May 22, 2022, <https://www.youtube.com/watch?v=fR3jPSStNOo>, (accessed April 1, 2022).

A prosecutor charged Raissouni with holding someone against their will and indecent assault and referred the case to an investigative judge. The judicial investigation lasted a year during which Raissouni stayed in pretrial detention, the maximum length authorized by Moroccan law. During that period, the court rejected ten requests for pretrial release presented by Raissouni's defense, without ever providing any detailed justification for these rejections.

According to international standards, pretrial detention should be an exceptional measure. When a court deprives a suspect of liberty until trial, it should provide a written, substantive, and individualized justification for it and the detainee should appear before the court promptly and regularly for a hearing into the necessity of pre-trial detention. Neither the prosecutor who originally ordered Raissouni's arrest, nor the investigative judge who examined his case for over a year, nor the judge who presided over the trial, which opened on February 9, 2021, ever provided such a justification.

On April 7, 2021, Raissouni started a hunger strike to protest his pretrial detention. On April 15, he attended a trial session but claimed he was too weak to speak because of his hunger strike and declined to answer the judge's questions. After this, Raissouni said, via his lawyers, that he would attend the next sessions of the trial on the condition that he is transported to the courtroom in an ambulance and wheelchair, and under medical supervision. The judge rejected these requests and proceeded to conduct the trial in the absence of the accused. The judge also ordered that a court clerk meet Raissouni in his prison cell after each session to inform him of the trial's progress.

Raissouni's defense requested that the first instance and appeals courts judging him summon a cleaning lady Raissouni said was in the apartment the day of the alleged assault. Both judges rejected the request. The first instance judgement justified the rejection by writing, "judges are not obliged to listen to witnesses as long as proving the facts is not contingent on their testimony." It is unclear what that witness would have said, had she testified, and how that might have helped Raissouni.

A key piece of evidence for the court was an audio recording of a conversation that allegedly happened between Raissouni and Adam, minutes after the alleged attack on September 15, 2018. According to Adam, shortly after he left the house of his alleged aggressor, Raissouni called him on his phone and asked him to wait for him in a street nearby, because he wanted to talk. Raissouni, according to Adam's narrative, joined him

minutes later and spoke with him. Adam told police interrogators and the court that he put his mobile phone on recording mode and hid it in his pocket during the conversation.

The recording presented in court featured a 1 minute and 19 seconds-long conversation between two individuals with street noise as background. The written judgment, reviewed by Human Rights Watch, features a transcription of that conversation, which was later leaked and published in audio format on *Barlamane*.

In the recording, individual 1 told individual 2 that he was “his friend,” to which individual 2 retorted: “friendship is one thing, but what you did was something else.” Individual 1 retorted that “it was a misunderstanding” and pleaded for individual 2 to “not dramatize things.” After individual 2 said he was going to meet Khouloud, individual 1 answered: “All right, then we never met today, okay?”<sup>202</sup>

On September 18, 2020, the investigative judge in charge of the case ordered an expert analysis of the audio recording. Adam, who was summoned, identified himself as individual 2 and agreed to record a voice sample. The technical expertise would later state that Adam’s voice sample was consistent with the voice of individual 2. Asked if he was individual 1 by the investigative judge, Raïssouni refused to answer, then refused to have his voice recorded.

Raïssouni’s lawyers later justified their client’s refusal to cooperate by the fact that the prosecutor presented that evidence in the form of an audio file engraved on a DVD, rather than producing the actual smartphone on which the conversation was allegedly recorded. One of the lawyers said in court that since the audio file was a copy rather than the original, they could not rule out that it had been tampered with.

On July 10, the tribunal found Raïssouni, who had never before been convicted of any criminal offense, guilty of holding a man non-consensually for some moments, touching him on his intimate parts, then releasing him after the man threatened to shout. The court found that this warranted five years in prison.

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<sup>202</sup> “Un enregistrement audio qui ne laisse aucun doute sur la culpabilité de Souleymane Raïssouni,” *Barlamane*, July 14, 2021, <https://www.barlamane.com/fr/un-enregistrement-audio-qui-ne-laisse-aucun-doute-sur-la-culpabilite-de-souleymane-raissouni/> (accessed April 1, 2022).



Raissouni ended his hunger strike on August 4, 2021, about three months after he began it.

On February 23, 2022, Casablanca's appeals court upheld the first instance sentence against Raissouni.

### *Selective Non-Implementation of an Unjust Law*

The court's written judgment affirmed at least three times that Adam was gay. According to that document, Adam stated this to his police interrogators and to the investigative judge in charge of the case. His lawyer also affirmed in court that Adam identified as a gay man.

Article 489 of the penal code criminalizes same-sex relations and punishes them by six months to three years in prison, and fines of up to 1,000 dirhams (about \$100).

Morocco has over the years prosecuted and imprisoned men under Article 489 even when there was no evidence of their having engaged in same-sex sexual acts. The fact that Adam escaped prosecution despite openly declaring to the authorities that he was gay is a welcome development that Human Rights Watch salutes. It raises, however, the concern that authorities enforce the law selectively, having chosen not to prosecute Adam because it served their ends, not because they wished to respect LGBT rights as internationally guaranteed.

In a report released in 2020, the office of the General Prosecutor stated that 283 adults were prosecuted in Morocco for having had same-sex relations.

## **8. Omar Radi**

*An investigative journalist currently serving a 6-year prison sentence, he was subjected to harassment through pro-Makhzen media, prosecuted on some charges that appear to be politically motivated, unfair judicial proceedings, prolonged pretrial detention without justification, smartphone surveillance, and a suspicious physical attack.*



Journalist and activist Omar Radi outside court in Casablanca, Morocco on March 12, 2020. © 2020 REUTERS/Youssef Boudlal

Omar Radi, 36, is an investigative journalist who collaborated with multiple Moroccan and international media as an independent contributor.<sup>203</sup> He is also an active member of the Moroccan Association for Human Rights, the country's largest rights group, which has been harassed repeatedly by the authorities over decades.<sup>204</sup>

Radi is also a social and economic rights activist who has been active in various nongovernmental organizations, notably defending freedom of the press and land rights. He was vice president of Attac Maroc, the local branch of an anti-globalization group that promotes civic action in response to perceived excesses of global capitalism.

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<sup>203</sup> "Les enquêtes de Omar Radi," *FreeOmarRadi.com*, undated <https://freeomarradi.com/les-enquetes-de-omar-radi/> (accessed March 31, 2022).

<sup>204</sup> Human Rights Watch, *World Report 2020*, Morocco/Western Sahara Chapter.

In 2013, he co-authored an award-winning investigative article on sandpits.<sup>205</sup> This lucrative sector is believed to be a hotbed of state corruption in Morocco, because sandpit exploitation can be carried out only with state permits, which the royal palace hands out on a discretionary and opaque basis, including to dignitaries close to the royal palace.<sup>206</sup>

In 2016, Radi was behind the reporting of the so-called “servants of the State” corruption scandal in which Lakome2.com, a Moroccan news website, published a list of about a hundred names of high-level officials who allegedly acquired state land at a fraction of market value.<sup>207</sup> Even though the original article was unsigned, Radi later revealed that he was the journalist who obtained the confidential listing.<sup>208</sup>

In 2018, Radi co-directed the documentary film “Death over Humiliation,” which strongly defended the Hirak, a protest movement that rocked Morocco’s northern Rif region in 2017.<sup>209</sup> About 500 activists were arrested, tortured in police stations, and sentenced to years in prison after tainted trials.<sup>210</sup>

In 2018, Radi participated in a YouTube-based talk show in which he criticized the king and high-level officials by name, including top police chief Abdellatif Hammouchi, reportedly the kingdom’s second most powerful official.<sup>211</sup> At one point, in a patently risky move, Radi

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<sup>205</sup> “Des exploitants pas comme les autres,” *Lakome2*, January 31, 2013, <https://freeomarradi.files.wordpress.com/2020/08/exploitation-des-carrieres-de-sable-enquete-primee-par-le-premier-prix-du-journalisme-dinvestigation-ims-amji-1.pdf>.

<sup>206</sup> Omar Brousky, “Maroc: au royaume de la rente,” *Assafir Al-Arabi*, July 13, 2019, <https://assafirarabi.com/fr/26396/2019/07/13/maroc-au-royaume-de-la-rente/> (accessed March 31, 2022).

<sup>207</sup> “اعتقال عمر الراضي مفجر فضيحة أراضي خدام الدولة والجمعيات الدولية تطلب بتدخل الأمم المتحدة,” *Alif Post*, July 29, 2020, <https://alifpost.org/%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84-%D9%85%D8%B1-%D8%A7%D9%84%D8%B1%D8%A7%D8%B6%D9%8A-%D9%85%D9%81%D8%AC%D8%B1-%D9%81%D8%B6%D9%8A%D8%AD%D8%A9-%D8%A3%D8%B1%D8%A7%D8%B6%D9%8A-%D8%AE%D8%AF%D8%A7%D9%85/> (accessed March 31, 2022).

<sup>208</sup> “لكم” تكشف حصريا عن اللائحة الكاملة للمستفيدين من تجزئة “خدام الدولة” بثمان خس,” *Lakome2*, July 26, 2016, <https://lakome2.com/politique/53557/> (accessed March 31, 2022); “هاشتاغ.. لأول مرة.. كاشف لائحة خدام الدولة بوجه,” Video Clip, YouTube, July 30, 2016, [https://www.youtube.com/watch?v=xuhJXUcXP\\_A](https://www.youtube.com/watch?v=xuhJXUcXP_A) (accessed March 31, 2022); <https://docs.google.com/spreadsheets/d/1uYzQK6CZpz7lUgm8fVWlj-xUckFtgJLSkcKDP1e8ps/edit#gid=0>

<sup>209</sup> “وثائقي الموت ولا المذلة عن حراك الريف,” YouTube, Video Clip, July 8, 2018, [https://www.youtube.com/watch?v=d9z4oCEy1g4&ab\\_channel=AlMinbarAlhor%7C%D8%A7%D9%84%D9%85%D9%86%D8%A8%D8%B1%D8%A7%D9%84%D8%AD%D8%B1](https://www.youtube.com/watch?v=d9z4oCEy1g4&ab_channel=AlMinbarAlhor%7C%D8%A7%D9%84%D9%85%D9%86%D8%A8%D8%B1%D8%A7%D9%84%D8%AD%D8%B1) (accessed July 19, 2022).

<sup>210</sup> “Morocco: Torture Suspicions Mar Mass Trial Verdicts,” Human Rights Watch Press Release, November 30, 2018.

<sup>211</sup> “1D2C ملحة العدميين Partie 1/3,” Video Clip, YouTube, August 24, 2018, <https://www.youtube.com/watch?v=v3saDv5cyf4> (accessed August 24, 2018); Juliette Owen-Jones, “Jeune Afrique Paints a Portrait of Morocco’s “Supercop” Abdellatif Hammouchi,” *Morocco World News*, June 2, 2019, <https://www.moroccoworldnews.com/2019/06/274854/jeune-afrique-portrait-morocco-supercop-abdellatif-hammouchi> (accessed March 31, 2022).

warned King Mohammed VI against Hammouchi, implying that the latter's brutal methods would turn the younger generation of Moroccans against the monarchy.<sup>212</sup>

In that same show, Radi claimed that the Ministry of Interior had harbored the “country's biggest corruption scheme ever,” in reference to a social program launched by the king and administered by that ministry in the mid-2000s. Radi called for the ministry's dissolution in the talk show. One month later, the ministry petitioned a court to dissolve the NGO that hosted the talk show on the grounds that it included “offenses towards institutions,” citing some of the statements Radi made during the show. The court ordered its dissolution on December 26, 2020.

### *Imprisoned for a Tweet*

On April 6, 2019, Radi tweeted “Let us all remember Appeals Judge Lahcen Tolfi, the enforcer against our brothers. In many regimes, small-time henchmen like him come back begging, later, claiming they were only ‘carrying out orders.’ No forgetting or forgiveness with such undignified officials!”<sup>213</sup> Radi tweeted this minutes after an appeals court, presided by Tolfi, upheld the trial court's verdicts against Hirak leaders, who were sentenced in June 2018 to up to 20 years in prison, largely based on statements that they said were made under police torture.<sup>214</sup>

Nine months passed before the police summoned Radi for interrogation about that statement. When he reported to the police on December 26, 2019, a prosecutor in Casablanca charged him with “insulting a magistrate” and ordered his detention and immediate referral to trial. The sole basis for the prosecution was his April 6 tweet.

Radi spent six days in pretrial detention before he was granted bail after an international support campaign. On March 17, 2020, he was sentenced to four suspended months in

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<sup>212</sup> “ملحمة العدميين 1D2C Partie 3/3,” Video Clip, YouTube, August 24, 2018, <https://www.youtube.com/watch?v=HrIGzFmg9cHg> (accessed August 24, 2018).

<sup>213</sup> Omar Radi's Twitter Account, April 5, 2019, [https://twitter.com/OmarRADI/status/1114321329078116352?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctterm%5E1114321329078116352&ref\\_url=https%3A%2F%2Fledes.ma%2F2019%2F04%2F18%2Fle-journaliste-omar-radi-questionne-sur-ses-tweets-critiquant-le-juge-du-hirak%2F](https://twitter.com/OmarRADI/status/1114321329078116352?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctterm%5E1114321329078116352&ref_url=https%3A%2F%2Fledes.ma%2F2019%2F04%2F18%2Fle-journaliste-omar-radi-questionne-sur-ses-tweets-critiquant-le-juge-du-hirak%2F) (accessed March 31, 2022).

<sup>214</sup> “Morocco: Torture Suspicions Mar Mass Trial Verdicts,” Human Rights Watch Press Release, November 30, 2018.

prison for insulting a magistrate. The verdict was confirmed by an appeals court in December 2020.

### *Uninvestigated Aggression*

On July 7, 2019, Radi was driving his car around midnight in Ain Sebaa, a suburb of Casablanca, when a motorcyclist blocked his way. As Radi was trying to drive around him, about ten men emerged from the shadows and started smashing his car with sticks, stones and bricks, Radi told Human Rights Watch. The attackers succeeded in breaking the front passenger window before Radi was able to drive away. Radi's mother later provided to Human Rights Watch pictures showing the heavy damage inflicted on the vehicle.<sup>215</sup>

The next morning, Radi went to a police station in Ain Sebaa and reported the incident. A police officer promised an investigation, provided Radi a receipt with a police stamp and a file number, and told him to use that number to track his complaint's status at the Ain Sebaa tribunal. Months later, his lawyer went to the tribunal to check the status of the complaint. He told Human Rights Watch that the serial number indicated on the receipt was false and did not correspond to any existing judicial file.

### *Digital Surveillance and Spyware Infection*

On June 22, 2020, Amnesty International reported that Radi's smartphone had been targeted with Pegasus, a potent spyware developed by the Israeli company NSO Group.<sup>216</sup> The software is surreptitiously introduced on people's mobile phones and gains complete access of their content, turning them into devices secretly surveilling their owner.

In a statement dated July 2, 2020, a government spokesperson vehemently denied that the authorities had ever engaged in any surveillance of critics.<sup>217</sup> The spokesman lamented that Moroccan authorities were facing an "unfair international defamation campaign." A previous report by Amnesty International had documented the use of the same spyware

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<sup>215</sup> Meeting with Human Rights Watch on June 1, 2021.

<sup>216</sup> Amnesty International, "Moroccan Journalist Targeted with Network Injection Attacks Using NSO Group's Tools," June 22, 2020, <https://www.amnesty.org/en/latest/research/2020/06/moroccan-journalist-targeted-with-network-injection-attacks-using-nso-groups-tools/> (accessed March 31, 2022).

<sup>217</sup> "Vidéo. Affaire Omar Radi: Le gouvernement exige de nouveau une réponse officielle d'amnesty," *Le 360*, July 2, 2020, <https://fr.le360.ma/politique/video-affaire-omar-radi-le-gouvernement-exige-de-nouveau-une-reponse-officielle-damnesty-218462> (accessed March 31, 2022).

against Moroccan human rights defenders Maati Monjib and Abdessadak El Bouchattaoui.<sup>218</sup>

In July 2021, a series of investigative articles published by the international journalistic consortium Forbidden Stories stated that Radi's smartphone was among thousands targeted by Moroccan authorities through Pegasus.<sup>219</sup> Morocco sued the collective and Amnesty International, along with various media that mentioned their findings for defamation. Morocco lost the trial in March 2022.

### *Pro-Makhzen media harassment campaign*

Between June 7 and September 15, 2020, Human Rights Watch counted at least 136 articles personally attacking Radi, his family, and supporters in three pro-Makhzen websites; Chouf TV, Barlamane, and Le360, in both their Arabic and French versions.

The articles included vulgar insults toward Radi, and personal information about him including his personal banking operations, allegations that he had serious mental health issues and a drug addiction, and that he had raped a woman 13 years earlier (the woman, later contacted by French media, flatly denied the allegation).<sup>220</sup> The articles divulged the name of a previous female roommate of Radi, complete with allegations that the two had an intimate relationship, and innumerable biographical details, including on Radi's childhood, parents, and several of his friends and members of his support committee. Eventually, Chouf TV would successfully forecast the date of Radi's arrest five days in advance.<sup>221</sup>

### *Police and Judicial Harassment*

On June 24, 2020, only two days after Amnesty International publicly stated that Radi had been subjected to electronic surveillance, authorities placed him under a travel ban and

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<sup>218</sup> Amnesty International, "Moroccan Journalist Targeted with Network Injection Attacks," June 22, 2020.

<sup>219</sup> "About the Pegasus Project," Forbidden Stories, undated, <https://forbiddenstories.org/case/the-pegasus-project/> (accessed March 31, 2022).

<sup>220</sup> Rachida El Azzouzi, "Omar Radi est devenu une ligne rouge autant que le Sahara ou le Roi," *MediaPart*, September 21, 2020, <https://www.mediapart.fr/journal/international/210920/omar-radi-est-devenu-une-ligne-rouge-autant-que-le-sahara-ou-le-roi?onglet=full> (accessed March 31, 2022).

<sup>221</sup> Abu Wael Al-Rifi, "أبوح بولفاف: هل يتذوق الراضي في ضيافة التامك؟ الأمير والدرابكي والتواخي والحقوق," *Chouf TV*, July 24, 2020, <https://chouftv.ma/press/274611.html> (accessed March 31, 2022).

summoned him for interrogation by the judicial police.<sup>222</sup> He would undergo twelve such sessions, each one lasting six to nine hours, for a total of 97 hours of interrogation in less than five weeks, as Reporters Without Borders calculated.<sup>223</sup>

The Casablanca prosecutor who ordered the interrogations accused Radi of multiple crimes, including allegedly providing “espionage services” to foreign governments, firms, and organizations.

Driss Radi, Omar’s father, told Human Rights Watch that the intense police scrutiny and fierce campaign in pro-Makhzen media were akin to “psychological torture” for his son, and provided a psychiatrist’s note dated July 28, 2020, which Human Rights Watch reviewed, certifying that Omar’s mental health mandated an “absence from work” for 30 days, effective immediately.

The police arrested him the next day, July 29. He has been behind bars since then. The prosecutor, and later an investigative judge and trial judges, both in first instance and appeals, rejected at least twenty requests for provisional release, even though Radi had a known address in Morocco, had pledged to participate fully in the judicial process, and presented no apparent flight risk because of his travel ban.

Under international standards, the right to presumption of innocence requires that when judicial authorities deprive a suspect of their liberty, they should provide a written, individualized, and substantive justification for the pre-trial detention that the suspect can challenge and that is subject to prompt and periodic review.

The court never provided Radi with a justification that fulfilled these requirements, even though it kept him in pretrial detention for an entire year.

In 12 of the 15 first instance trial sessions that ensued, Radi’s lawyers reiterated their request for their client’s provisional release. The judge rejected the request each time, with the same one-line justification: “The acts attributed to the accused, Omar Radi, are of a

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<sup>222</sup> Amyne Asmlal, “Justice: Omar Radi interdit de quitter le territoire,” *Le 360*, June 24, 2020, <https://fr.le360.ma/societe/justice-omar-radi-interdit-de-quitter-le-territoire-217908/> (accessed March 31, 2022).

<sup>223</sup> “Morocco: The Numbers That Sum Up the Judicial Harassment of Omar Radi,” *Reporters without Borders*, August 28, 2020, <https://rsf.org/en/news/morocco-numbers-sum-judicial-harassment-omar-radi> (accessed March 31, 2022).

high degree of seriousness and constitute a violation of security and public order,” according to the written judgment.

### *Prosecution for “Espionage”*

On July 2, a government spokesperson said that Radi was under “investigation for presumably harming state security.” The case was based on three clusters of evidence: text messages that Radi had exchanged with a Dutch diplomat, as a prelude to a meeting in which the two men discussed the unrest in the Rif and the state’s response to it; contracts Radi had signed with two British consulting firms to conduct research inside Morocco about the local financial and agricultural sectors; and the research grant to investigate land expropriations that he had received from the Bertha Foundation.

The case file, which Human rights Watch reviewed, contained no evidence that Radi did anything besides conduct ordinary journalistic or corporate due diligence work and maintain contact with diplomats, as many journalists and researchers do routinely. The case file contains no evidence that he had provided classified information to anyone, or that he had ever obtained such information in the first place.

#### **1. The Embassy of the Netherlands in Morocco**

In late 2017, while massive yet overwhelmingly peaceful socio-economic protests rocked Morocco’s northern Rif region, Radi visited the region frequently to work on a documentary film about the “Hirak” protest movement. During this period, a judge approved a prosecutor’s request to tap Radi’s phone. While his phone was under surveillance, Radi exchanged text messages with a diplomat working at the embassy of the Netherlands in Rabat. The messages, reviewed by Human Rights Watch, included nothing more than arrangements to set up meetings between the two men.

Under police interrogation, Radi insisted that his discussions with the diplomat were routine conversations about news developments in Morocco, including the Rif events.

As shown in the court’s written judgment, which Human Rights Watch reviewed, the prosecutor contended that Radi’s contacts with Dutch diplomats violated Morocco’s Penal Code article 191 which forbids “harming external state security by maintaining an



intelligence relationship with agents of a foreign authority with the purpose or effect to harm the diplomatic situation of Morocco.”

Collecting non-classified information about social conditions or government actions, and sharing it with other parties, through whatever means, is protected by the internationally recognized right to “seek, receive and impart information and ideas of all kinds, regardless of frontiers,” a right protected by the International Covenant on Civil and Political Rights, which Morocco ratified in 1979.<sup>224</sup> That such information may reflect poorly on those in power, or that the recipient may use it to speak critically of them, does not justify criminalizing its collection or dissemination.

Moreover, the charge of “harming [a nation’s] diplomatic position” is worded too vaguely, and thereby risk being used to criminalize acts that should not be criminalized, including acts of peaceful expression. The broad wording of that offense opens the door to arbitrary interpretations by judges, preventing a person from reasonably predicting what acts will be considered crimes.

The Netherlands’ Minister of Foreign Affairs Ben Knappen wrote a letter to the Netherlands parliament on October 14, 2021, stating that his government “rejects the accusations of espionage [in reference to Radi’s contacts with Dutch diplomats], and conveyed this message to the Moroccan ambassador in The Hague.”<sup>225</sup> His letter added, “It has been underlined that embassies are free to maintain contacts with journalists, [and that] this is part of [their] regular activities.” According to Knappen, Moroccan authorities responded that while they “attach great importance to good relations with the Netherlands,” they cannot “interfere with a judicial process.”

## **2. British Economic Consulting Firms**

An article published on July 15, 2020, by the news site *Le Desk*, which Radi worked for, said that a British economic consulting company contracted Radi in July 2018 as a local risk

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<sup>224</sup> International Covenant on Civil and Political Rights, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>.

<sup>225</sup> Letter from Ben Knappen, Netherlands’ Minister of Foreign Affairs, to the Netherlands’ Parliament, October 14, 2021, file:///C:/Users/makhoug/Downloads/Toezegging\_nadere\_informatie\_Omar\_Radi%20(1).pdf.

assessment consultant.<sup>226</sup> Radi would interview people in Morocco's financial sector to profile the partners in a Moroccan financial services firm, on behalf of a client of the British company who was considering an investment in the Moroccan firm. Radi received the equivalent of about \$1,500 for the job.

Based on *Le Desk's* article, Radi's contact for the job in the British company was a retired officer of the United Kingdom's Foreign Office, whose name was mentioned in a purported list of officers of the MI6, the United Kingdom's foreign intelligence service.<sup>227</sup>

Radi denied that he knew at the time of any intelligence affiliation of his contact in the British economic advisory company and denied that he provided that person or that company any services beyond conventional research into private corporations.

The prosecutor concluded that Radi's services were not an innocent consultancy, but rather espionage. The same applies to Radi's consultancy for another British firm on Morocco's agriculture sector, for which he earned the equivalent of about \$450.

Radi's work for these firms, along with his contacts with the Netherlands Embassy, form the basis for the accusation that he harmed "external security" under the Penal Code article 191. The prosecutor's case and the police report on which it is founded, however, did not contain any evidence of the nature of the materials that Radi provided either firm that constitute the crime of espionage or evidence that he provided it knowing that it would damage state security.

Collecting and sharing non-classified information about business activities should generally be protected activity under the International Covenant on Civil and Political Rights, which Morocco ratified in 1979.

### **3. The Bertha Foundation**

In January 2019, the Geneva-based Bertha Foundation awarded a grant to Radi. The foundation offers paid fellowships to journalists and activists who work to bring about economic and

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<sup>226</sup> Ali Amar, "'Omar Radi, espion du MI6': révélations sur une cabale insensée," *Le Desk*, September 10, 2020, <https://ledesk.ma/grandangle/omar-radi-espion-du-mi6-revelations-sur-une-cabale-insensee/> (accessed March 31, 2022).

<sup>227</sup> "Home," Secret Intelligence Service MI6, undated, <https://www.sis.gov.uk/index.html> (accessed March 31, 2022).

social change. The grant's purpose was for Radi to conduct research on the social impact of land expropriation for public utility purposes in Morocco.

According to the Committee to Protect Journalists (CPJ), Radi's fellowship project consisted of researching abuses related to land expropriation, where the state bought collective lands belonging to local tribes for very little money and sold them for a maximum profit to private corporations.<sup>228</sup> "During his year-long fellowship, [Radi's] research did not only focus on specific land expropriators — which can bother Moroccan authorities — but on the systemic problem of dispossession. The low scale farmers and tribe members in the regions he researched keep getting poorer while the land expropriators continue to get richer."

The grant Radi was awarded was part of a program called Bertha Challenge, which supports Bertha fellows to answer the question: "How is the nexus between property, profit, and politics contributing to land and housing injustice, and what can be done to fix this?"<sup>229</sup> For the police, this amounted to Radi agreeing to an assignment from a foreign organization whose purpose is to stir up a sentiment of injustice among the Moroccan public over land expropriation.

Radi's activities, the prosecutor said, warranted charges under article 206 of "harming state internal security by receiving remuneration from a foreign entity for an activity or propaganda that could shake the loyalty that citizens owe to the state and the institutions of the Moroccan people."

Examining, analyzing, and commenting public policies and their impact, are protected activities under international human rights standards. Prosecuting an individual for engaging in such activities is a blatant violation of the right to freedom of expression, guaranteed by the International Covenant on Civil and Political Rights, which Morocco ratified.

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<sup>228</sup> M El-Haies, "Bertha Foundation: Omar Radi's Arrest Blocked Moroccan Land Rights Exposé," Committee to Protect Journalists, <https://cpj.org/2020/09/bertha-foundation-omar-radis-arrest-blocked-moroccan-land-rights-expose/> (accessed March 31, 2022).

<sup>229</sup> "The Bertha Challenge," Bertha Foundation, undated, <https://berthafoundation.org/story/the-bertha-challenge-2018/> (accessed March 31, 2022).

Moreover, the charge of “shaking the loyalty that citizens owe to the state and the institutions of the Moroccan people” is unclear and vague, and can be used to criminalize lawful and legitimate acts that fall under the right of free speech. Here as well, the broad wording of the offense allows arbitrary interpretations by judges, preventing persons from reasonably predicting that their actions could be construed as crimes.

### *Prosecution for Public Drunkenness, Violence, and Insults*

On July 6, 2020, authorities charged Radi with “manifest public drunkenness,” violence, and insults. These charges stem from an argument that Radi and Imad Stitou, a fellow journalist at the news site *Le Desk*, had had with Karim Alaoui, a cameraman for Chouf TV, a pro-Makhzen website, outside a pub in Casablanca. The incident happened on July 5, in the midst of the multiple interrogation sessions that the judicial police subjected Radi to for “espionage” and other security-related charges.

A video of the incident features Alaoui hurling insults at Radi, calling him a “thief” and a “drunk.”<sup>230</sup> Radi told Human Rights Watch he suspects the incident was a provocation in which the police were complicit, in view of the way that they intervened almost immediately and arrested him and Stitou while Alaoui was not detained.

In a statement published on Facebook, Radi said that Alaoui had been harassing him for days, each time he entered or left Casablanca’s judicial police headquarters, where he was being interrogated.<sup>231</sup> Two witnesses to the July 5 incident told Human Rights Watch that Alaoui had been waiting outside the pub for at least two hours while Radi was inside, and started filming him the minute he and Stitou walked out, around 11 p.m. The three men exchanged words while filming one another with their mobile phones.

No violence occurred, said the witnesses. They added that a police van appeared less than a minute after the argument started, as if it had been stationed nearby. The police arrested Radi and Stitou, while letting Alaoui remain free. Radi and Stitou were held overnight and released the next afternoon.

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<sup>230</sup> “لحظة هجوم الجاسوس ‘عمر الراضي’ وهو سكران على كاميرامان شوف تيفي والتطاول على زوجته في قلب السيارة” Video Clip, YouTube, July 6, 2020, [https://www.youtube.com/watch?v=gt\\_haVgy1PM](https://www.youtube.com/watch?v=gt_haVgy1PM) (accessed March 31, 2022).

<sup>231</sup> Free Omar Radi’s Facebook Page, July 30, 2020, [https://m.facebook.com/story.php?story\\_fbid=181074020067805&id=111626943679180&locale2=fr\\_FR&\\_rdr](https://m.facebook.com/story.php?story_fbid=181074020067805&id=111626943679180&locale2=fr_FR&_rdr) (accessed March 31, 2022).

Radi told Human Rights Watch that the police confiscated his smartphone during his arrest, and that a police officer told him that the police had viewed its contents, including conversations on the encrypted messaging app Signal. Human Rights Watch could not independently verify whether data from the mobile phone had indeed been extracted. Radi and Stitou were charged with public drunkenness, violence, insults, and filming a person without their authorization. Alaoui was charged with only the last two of these charges.

On August 5, 2021, the first instance tribunal of Ain Sebaa, in Casablanca, sentenced Radi and Stitou to three suspended months in prison for public drunkenness.<sup>232</sup> As of that date, Radi had already been in prison for more than a year, and had been recently sentenced to six years for espionage and rape. Alaoui was given a suspended sentence of two months' imprisonment for filming a person without their authorization.

This case was tried without any of the defendants appearing in court. Seven trial sessions were held and each time, the judge noted the absence of all the accused parties and their respective defense teams and postponed the trial. The verdict was finally issued at the eighth session on August 5, with all parties still absent. Stitou's lawyer told Human Rights Watch that his client never received a notification to attend any of the trial sessions during which he was marked absent. Radi, who by that time had spent more than a year in prison, was never notified either and the police never brought him from his cell to the courtroom.

### *Prosecution for Rape*

On July 23, Hafsa Boutahar, a former colleague of Radi at the news site *Le Desk* where she worked as an administrative and sales agent, filed a complaint against Radi for indecent assault and rape, leading a prosecutor to indict him of rape and indecent assault with violence.<sup>233</sup> Radi denied the charges and said they had consensual sex.<sup>234</sup> The accusation was based on events in the early hours of July 13, 2020, at a house owned by *Le Desk*'s

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<sup>232</sup> AFP, "Les journalistes Omar Radi et Imad Stitou condamnés à trois mois de prison pour 'ivresse publique'," *TelQuel*, August 6, 2021, [https://TelQuel.ma/2021/08/06/les-journalistes-omar-radi-et-imad-stitou-condamnes-a-trois-mois-de-prison-pour-ivresse-publique\\_1733645](https://TelQuel.ma/2021/08/06/les-journalistes-omar-radi-et-imad-stitou-condamnes-a-trois-mois-de-prison-pour-ivresse-publique_1733645) (accessed March 31, 2022).

<sup>233</sup> Safaa Kasraoui, "'Betrayal': Omar Radi's Alleged Victim Opens Up About Rape Case," *Morocco News*, July 31, 2020, <https://www.morocoworldnews.com/2020/07/313337/betrayal-omar-radis-alleged-victim-opens-up-about-rape-case> (accessed March 31, 2022).

<sup>234</sup> Free Omar Radi's Facebook Account, July 30, 2020, [https://m.facebook.com/story.php?story\\_fbid=181074020067805&id=111626943679180&locale2=fr\\_FR&\\_rdr](https://m.facebook.com/story.php?story_fbid=181074020067805&id=111626943679180&locale2=fr_FR&_rdr) (accessed March 31, 2022).

director where staff sometimes worked. The complainant, Radi, and a third employee of *Le Desk*, journalist Imad Stitou, had been invited to stay for the night, and each was assigned a separate couch to sleep on in a large living room on the ground floor.

Stitou testified before the gendarmerie and investigative judge about his presence that night, and his testimony was consistent with Radi's account, according to which he had had a consensual encounter with the complainant.

In an unusual procedural move, as the alleged offenses of rape and espionage are unrelated, the Casablanca court put them into a single file and tried them together. The same investigating judge examined all of these charges and recommended Radi stand trial for them before the same court.

All sexual assault allegations require serious investigation and those responsible brought to justice, with a trial that is fair for both the complainant and the accused.

In October 2020, while the judicial investigation of Omar Radi was still in progress, Hafsa Boutahar requested to meet Human Rights Watch. In response Human Rights Watch offered to have her speak with female staff members who are trained to interview sexual violence complainants in an ethical manner. She replied by text message, saying she no longer wished to speak with Human Rights Watch "out of respect for the judiciary and for the secrecy of the judicial investigation." The organization respected her decision.

In June 2022, after the conclusion of the trials in the courts of first instance and appeal, Boutahar again requested to meet with Human Rights Watch. On June 10, two Human Rights Watch staff members (one in person in Rabat and the other on video) met with her and her lawyer.

At the meeting, Boutahar criticized some media and human rights organizations, including Human Rights Watch, for failing to hear both sides of the case. She said that far from treating her as a victim, they were treating her as if she were a tool that the government was using for political ends.

Human Rights Watch explained that it did not seek to reach a conclusion on the facts in the rape case. Rather, it is concerned with ensuring that all sexual assault allegations are

properly investigated, and those responsible brought to justice, through a criminal process that respects the rights of both the complainant and the accused. This includes evaluating whether the trial process in this case had respected international norms governing the right to fair proceedings.

Human Rights Watch concluded based on evidence presented in this report that the trial of Omar Radi violated various fair-trial norms and thus cannot be considered as fair.

### *Evidence of Unfair Trial*

On July 19, 2021, Radi was convicted both of the rape and the espionage charges and sentenced to six years in prison.<sup>235</sup> Stitou was sentenced to one year, including six months suspended, for participation in rape. Both men appealed the verdict. Radi was also sentenced to pay 200,000 Dirhams (\$20,000) in damages to the complainant. On March 3, 2022, an appeals court upheld both sentences against Radi and Stitou.

Both courts denied Radi the “equality of arms” in which both parties have the same opportunities to present their case, a prerequisite for a fair trial under international standards. The authorities denied Radi access to his own case file for 10 months.

They excluded the testimony of the key defense witness for “participation in rape,” even though the complainant did not accuse the witness of taking part, and no evidence against him was presented to the court. The court also refused to allow the defense to cross-examine a prosecution’s witness in the rape case and rejected a key defense witness in the espionage case.

#### **1. Denying the Defendant Access to the Case File**

Prison authorities repeatedly prohibited Radi’s lawyers from passing on a copy of his case file to their client, thus depriving him of his right to prepare his defense from his prison cell. Prison authorities gave him full access only after the judge, responding to two complaints from his lawyers, ordered that prison authorities give him full access to his own

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<sup>235</sup> “Le journaliste et militant marocain Omar Radi condamné à six ans de prison, sur fond d’affaire ‘Pegasus’,” *Le Monde Afrique*, [https://www.lemonde.fr/afrique/article/2021/07/19/le-journaliste-et-militant-marocain-omar-radi-condamne-a-six-ans-de-prison-sur-fond-d-affaire-pegasus\\_6088781\\_3212.html](https://www.lemonde.fr/afrique/article/2021/07/19/le-journaliste-et-militant-marocain-omar-radi-condamne-a-six-ans-de-prison-sur-fond-d-affaire-pegasus_6088781_3212.html) (accessed March 31, 2022).

file on June 3, 2021, ten months after Radi's arrest and two months after the first instance trial started. This prevented him from having adequate time to prepare his defense.

While Radi had to fight in court for months to get his case file, Barlamane, a pro-Makhzen website, published a lengthy analysis of the case against Radi as quickly as four days after his arrest on July 29, 2020, an analysis that was clearly informed by extensive access to the case file.<sup>236</sup> The Barlamane article strongly suggested that Radi was guilty as charged.

## **2. Denying Lawyer Access**

On June 28, 2021, the police detained Christophe Marchand, a Belgian lawyer mandated by Radi's parents, upon his arrival in Casablanca's airport. He was coming from Brussels to assist Radi during a trial session.

Hours later, the Inter-ministerial delegation for Human Rights, a government body, said in a statement that Marchand "knew since February 24 [2021] that he had been prohibited from entering Morocco" because of his "hostile attitudes towards [the country], especially those harming its territorial integrity," but nevertheless attempted to come in.<sup>237</sup> The official statement added that Marchand was "meaning to impose a fait accompli and exploit his presence in Morocco to disrupt an ongoing court case," and "harm Morocco's reputation" by "preparing biased and subjective reports."

In a phone call with Human Rights Watch that same day, Marchand said he never knew or was ever notified that he had been banned months earlier from entering Morocco. He spent the night in detention at the airport and was expelled to Belgium the next day.

## **3. Disqualifying a Key Defense Witness**

After Imad Stitou provided the court with testimony consistent with Radi's account, on March 18, 2021, the authorities charged Stitou with "participation in the rape," even though the complainant had not accused him of taking part in the alleged assault, neither physically nor verbally.

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<sup>236</sup> "Omar Radi, au cœur de la tempête," *Barlamane*, August 3, 2020, [www.hrw.org/sites/default/files/media\\_2020/09/Morocco-article-FR.pdf](http://www.hrw.org/sites/default/files/media_2020/09/Morocco-article-FR.pdf).

<sup>237</sup> Safaa Kasraoui, "Morocco's Decision to Deny Entry to Belgian Lawyer Christophe Marchand Is 'Sovereign'," *Morocco World News*, June 29, 2021, <https://www.moroccoworldnews.com/2021/06/343151/moroccos-decision-to-deny-entry-to-belgian-lawyer-christophe-marchand-is-sovereign> (accessed March 31, 2022).



In their statements to the gendarmerie, the prosecutor, the investigative judge in charge of the case, and in court, both Radi and the complainant supported Stitou's assertion that he never rose that night from his couch, which was about 10 meters away from them. Both Radi and the complainant said that they thought Stitou was asleep before he told the authorities that he had been awake.

After the court charged Stitou for "participation in rape," it discarded his testimony. In its written judgment, the court wrote, "The statements of [Stitou] according to which [he heard the two people have an encounter he believed to be consensual sex] cannot be taken into consideration because he is accused of participation, and denying the charge is in his interest."

In a joint statement released on April 5, 2021, eleven international rights groups said that "by charging Mr. Stitou, authorities have in effect nullified the evidentiary value of his testimony as a defense witness," and remarked that the court should "enable those charged with crimes all adequate means to defend themselves."<sup>238</sup> International human rights law requires that those charged with crimes should be allowed to have witnesses testify on their behalf before the court on the same basis as witnesses against them.

#### **4. Ignoring Probing Evidence, Rejecting a Defense Witness**

With regard to the espionage charges, the case file makes clear that the prosecutor relied heavily on a statement Radi made to the police, in which he said he had been in contact in 2013 with Arnaud Simons, whom he identified as a former employee of the Dutch Embassy in Morocco.

According to the police report on the case, the fact that the (incorrectly spelled) name "Arnauld Simon" was not featured in the Foreign Affairs Ministry's list of registered diplomats in Morocco, "strongly confirmed the hypothesis" that this name did not belong to a real person. They alleged that it was an undercover Dutch intelligence agent's pseudonym, and that the person was extracting classified information from Radi about the 2017 Rif protests. The written judgment indicates that during the trial, the prosecutor endorsed that conclusion and

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<sup>238</sup> "Joint Statement to Moroccan Authorities: Release Omar Radi and Guarantee Fair Trial Proceedings," POMED, April 5, 2021, <https://pomed.org/joint-statement-to-moroccan-authorities-release-omar-radi-and-guarantee-fair-trial-proceedings/> (accessed March 31, 2022).

“concluded” that Simons was the “*nom de guerre*” (in Arabic: “ism haraki”) of a Dutch undercover agent.

Simons contacted Human Rights Watch in early 2021, and provided images of identity documents and other documents that indicate that Arnaud Simons is his name and that he is a Belgian citizen who worked as a contractor for the Dutch Embassy in Morocco between 2013 and 2015.

In communications with Human Rights Watch, and in an open letter he published later online, Simons stated that his contacts with Radi were limited to discussing cultural matters, consistent with Simons’ job as cultural attaché at the embassy.<sup>239</sup> By the time of the Rif protests, in 2017, Simons added, he had been gone from Morocco for two years and had not been in touch with Radi since leaving.

In a letter one of Radi’s lawyers gave to the judge during a court session held on June 29, which Human Rights Watch attended, Simons provided the documentation and asked to be a defense witness. The judge added the letter to the case file but rejected Simons’ request to be a witness because hearing him in court would only “prolong the trial.”

The judgment’s explanation of the court’s reasoning for convicting Radi of espionage does not mention Simons’ letter. It instead repeats that the court’s “deduction” is that “Arnauld Simon” is a “*nom de guerre* used by a person who used to work in the Dutch Embassy in Rabat.” The appeals court adopted the same reasoning to uphold the 6-year-sentence against Radi.

## **5. Cross-examination of Prosecution Witness Denied**

In a letter dated August 10, 2020, and sent to the investigative judge, one of the complainant’s lawyers requested that Hassan Ait Braim, a Moroccan-American dual national living in the United States but “currently visiting Morocco,” be heard as a witness in the Radi case.

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<sup>239</sup> Arnaud Simons, “Lettre ouverte dans le cadre du procès du journaliste Omar Radi,” *Arnaudsimons.Medium.com*, January 8, 2021, <https://arnaudsimons.medium.com/lettre-ouverte-dans-le-cadre-du-proc%C3%A8s-du-journaliste-omar-radi-8dfddc167fbc> (accessed March 31, 2022).

The request was accompanied by a short letter from Ait Braim in which he said he was having a video call with the complainant on July 13, 2020, when he saw “a man dressed in boxer shorts pass behind the sofa, at which point the conversation ended abruptly.” Ait Braim said in the letter that he “does not know the truth of what happened [next].”

On August 12, 2020, the day that he received the complainant’s lawyer’s request for Ait Braim to testify, the investigating judge wrote a letter to the prosecutor to consult with him about it. After the prosecutor approved the request in writing, the investigating judge sent a written summons to Ait Braim. These letters were sent, received, and processed on August 12; the same day Ait Braim came to testify in the investigative judge’s office.

Several Moroccan lawyers told Human Rights Watch they were perplexed by such swiftness, which they said is extremely uncommon if not unprecedented in Moroccan courts, especially in August, when the Moroccan justice administration is on summer recess. Because of that recess, Radi’s defense lawyers told the court that they had been unable to find anyone in the justice system, in August 2020, to file a request to provisionally release their client. That was the same month Ait Braim’s hearing process was being held in an expedited fashion.

Radi’s defense lawyers told Human Rights Watch that they were not notified about Ait Braim’s testimony until several months later, at which point the witness had returned to the United States, where he reportedly lives.

During the trial, Radi’s defense team asked the judge to summon Ait Braim for examination, but the request was denied on spurious grounds. The written judgment, which relied partly on Ait Braim’s statement, says: “The judge does not have to summon a witness as long as he believes in the sincerity of his testimony.” To ensure a fair trial according to international standards, the defense has the right to question and challenge a witness whose testimony is being relied on by the prosecution.

The appeals court adopted the same reasoning to uphold the six-year sentence against Radi.

## 6. Speculative court reasonings

On the accusation of espionage, the judgment does not identify any classified material that Radi would have knowingly conveyed to a foreign agent, thus constituting the crime of espionage. Instead, it weaves together a series of speculations to reach a guilty verdict.

For example, it says on page 230: “The security precautions [Radi] took [in his contacts] with the Dutch embassy diplomat prove that he was well aware of the suspicious nature of the activities [the diplomat] was tasked with, as demonstrated by the fact that his communications with [the diplomat] were conducted exclusively via text messages.”

The fact that a person relies on text messages as a primary channel of communication is not evidence of any secret activity or evidence of guilt.

The judgment also says on page 230: “[Radi’s] allegation that the purpose of his travels to [the Rif region] was to sell journalistic articles in exchange of American dollars was proven a lie by the fact that he disclosed no such payments [to fiscal authorities], while in fact [these travels] were connected to a job he was conducting on behalf of a secret agent from a country whose official orientations are harmful to Morocco’s interests.”

Purportedly failing to report income to tax authorities cannot be considered as evidence that no income was received for a given activity, much less that the activity in question was illegal. The court’s reasoning is speculative in nature and does not constitute evidence of guilt.

The judgment also says on page 231: “Between March 2016 and March 2020, [Radi] was not a staff employee of any media organization; therefore, it can be concluded from that fact that [Radi’s] travels to the field during [the Rif protests] were not connected to any journalistic work but were rather conducted to gather information about those events on behalf of the Dutch Embassy.”

The court’s “conclusion” is speculative. It also ignores the fact that Radi explained, both to his police interrogators, to the prosecutor, to the investigative judge and multiple times in court, in the presence of Human Rights Watch, that he was a freelance journalist during the specified period.

The judgment adds in page 232: “[It can be concluded] that the accused’s contacts with secret agents from the Dutch Embassy in Morocco had no relation with his journalistic work, as evidenced by the fact that he never published any article or other journalistic work [in reference to those contacts], but consisted by deduction of espionage activities.”

Discussing various topics with various people, including diplomats, without necessarily publishing articles based on those conversations, is routine work for journalists. The court’s “conclusion” is speculative and does not constitute evidence of guilt.

In court, Radi claimed that a British consulting firm contracted him to provide a succinct note on the agriculture sector in Morocco, understanding that such research would be partly internet-based. In page 234, the judgment comments on that claim as follows: “Browsing the internet and looking into specialized websites does not require the services of the accused, therefore, [he] must have rendered some other suspicious service to the British company.”

Specialized websites on the Internet don’t look into themselves; such activity requires tasking somebody with doing it. Nothing prevents any company from hiring any contractor, including Radi, to do internet-based research. That conclusion is speculative and cannot constitute evidence of guilt.

On the accusation of rape, the judgment flatly misrepresents the statements of witness-turned-accused Imad Stitou, in a way prejudicial to both himself and Radi and to the fairness of the proceedings. On page 237, the judgment states that Stitou “does not deny” hearing Radi make a particular comment to the complainant, a comment that suggested Radi’s guilt and Stitou’s complicity.

In fact, as shown in the official minutes of his statements to the gendarmerie and the investigative judge, Stitou strongly denied that he heard Radi making such a comment. He also denied it in a court session Human Rights Watch attended, and again in an interview with Human Rights Watch in October 2021.

The judgment also says in page 224: “Omar Radi’s allegation that he had consensual sex with [the complainant] does not stand to reason because if the victim had really wanted to have sex with the accuser, she would have planned it carefully and in an appropriate

setting; whereas [doing it] in her employer's house and in the presence of a colleague who would witness the assault is absurd and cannot be the doing of a sane mind."

The court's reasoning about how a "sane mind" would plan a sexual encounter undermines women's autonomy and is based on gender stereotypes. It is also speculative, and thus of dubious value in proving the charge. For those reasons, it undermines the fairness of proceedings.

## Case studies: Media institutions

### A. Those targeted by authorities

*Two media institutions, an association providing journalistic training and a daily newspaper, were relentlessly harassed through police and judicial action, some of the latter related to speech offenses, some pertaining to criminal offenses.*

#### 1. The Moroccan Association for Investigative Journalism

In the early 2010s, after a decade of harassment of Moroccan independent media by the police and the judiciary, critical outlets had been driven out of business in part by state-led advertisement boycotts, and some of their publishers, unable to mount critical publications anymore in Morocco, went into exile.<sup>240</sup>



A training session organized by the Moroccan Association for Investigative Journalism (AMJI) in Rabat in 2012. © 2012 Private

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<sup>240</sup> Ahmed Benchemsi, "Morocco and Press Freedom: A Complicated Relationship," *Neiman Reports*, September 8, 2011, <https://niemanreports.org/articles/morocco-and-press-freedom-a-complicated-relationship/> (accessed March 31, 2022).

In that context, free speech activists including scholar Maati Monjib created in 2008 a nongovernmental group called Association Moroccan Association for Investigative Journalism (in French, Association Marocaine pour le Journalisme d'Investigation or AMJI).<sup>241</sup> The group was dedicated to training young journalists to do investigative reporting, in order to “fight the decline of press freedom,” Monjib told Human Rights Watch.<sup>242</sup> AMJI’s program manager Hicham Mansouri added that the NGO’s broader purpose was to “take up the torch by training a new generation of journalists in investigative reporting, the genre that is most needed for democratic accountability.”<sup>243</sup>

Because authorities refused to grant AMJI the formal recognition associations need to operate legally in Morocco, Monjib created in 2009 the Ibn Rochd Center, a consulting company that he owned together with a family member and a friend. Private companies in Morocco do not need authorities’ approval to conduct their activities. Monjib said the bylaws of the Ibn Rochd Center gave to the company mostly the same objectives as AMJI; developing investigative journalism through trainings and related activities.

### **“Taking up the Torch” of Independent Journalism**

Between its creation and 2011, the association operated in a legal limbo due to the authorities’ refusal, which they did not explain, to grant it a *recépissé*, an administrative certificate that associations need to perform basic operations such as renting offices or opening a bank account. AMJI finally obtained that document on February 22, 2011, two days after massive pro-democracy protests, inspired by similar protests in Tunisia and Egypt, rocked Morocco.<sup>244</sup>

After its legal recognition, AMJI increased its activities. The association contracted partnerships with, and obtained grants from, European nongovernmental groups that support media development, including the Danish group International Media support (IMS) and the Dutch Free Press Unlimited (FPU). Those partnerships resulted in the

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<sup>241</sup> Intissar Fakir and Maati Monjib, “Rabat Undoing,” *Foreign Affairs*, October 23, 2014, <https://www.foreignaffairs.com/articles/morocco/2014-10-23/rabats-undoing> (accessed March 31, 2022).

<sup>242</sup> In-person interview with Human Rights Watch in Rabat on November 12, 2020.

<sup>243</sup> In-person interview with Human Rights Watch in Rabat on June 25, 2021.

<sup>244</sup> “Morocco: The February 20<sup>th</sup> Movement”, Project on Middle East Democracy, Press Kit, [https://pomed.org/wp-content/uploads/2011/06/Press\\_Kit\\_June2011.pdf](https://pomed.org/wp-content/uploads/2011/06/Press_Kit_June2011.pdf) (accessed on April 4, 2022)



organization of many trainings in investigation techniques, journalistic ethics, protection of sources, cyber security, and other related topics.

Mansouri told Human Rights Watch that few members of AMJI were journalists themselves, or claimed the expertise needed to lead such trainings. The association hired teachers from the Institut Supérieur de l'Information et de la Communication, Morocco's public journalism school, and trainers from international networks like Al Jazeera to run their workshops. Through AMJI, IMS and FPU provided paid fellowships and granted the Press Now prize to Moroccans who authored outstanding journalistic pieces. The awardees included independent journalists who would later gain prominence and suffer harassment from authorities, including Omar Radi and Soulaïman Raïssouni.

### **Associates Beaten in the Street**

The first "Press Now" prize was awarded to journalist Abdelilah Sakhir on January 29, 2011, under the auspices of the Ibn Rochd Center, which then hosted AMJI's activities in the absence of AMJI's legal recognition. A few hours after receiving his prize and shortly after leaving the award ceremony, Sakhir was attacked in a street in Casablanca by four unknown men. He told a news website that the men first threw a tear gas canister next to him and while he was struggling to keep his balance, started punching him on the face and kicking him after he fell on the ground.<sup>245</sup> The men then jumped into a car with tinted windows that was parked with the engine running nearby, with another person in the driver's seat. Then they drove away.

Sakhir said that he believed the attack was motivated by "professional reasons;" the attackers did not attempt to rob him.<sup>246</sup> Monjib told Human Rights Watch that he believed the assault on Sakhir was "a message of disapproval from the authorities for what [AMJI was] trying to achieve; reviving investigative reporting after they nearly killed it in the previous decade."

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<sup>245</sup> "مجهولون يعتدون على الصحفي سخير"، *Hespress*, January 30, 2011, <https://www.hespress.com/%D9%85%D8%AC%D9%87%D9%88%D9%84%D9%88%D9%86-%D9%8A%D8%B9%D8%AA%D8%AF%D9%88%D9%86-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A-%D8%B3%D8%AE%D9%8A%D8%B1-43147.html> (accessed March 31, 2022).

<sup>246</sup> "Violente agression d'un journaliste marocain," (Forum) *Algerie-dz*, February 9, 2011, <https://www.algerie-dz.com/forums/international/202199-violente-agression-d%E2%80%99un-journaliste-marocain#post3458108> (accessed June 9, 2022).

After AMJI finally obtained legal recognition and took over the Ibn Rochd Center's activities, AMJI program manager Hicham Mansouri was beaten in the street in Rabat on September 24, 2014, shortly after leaving a meeting with Monjib.<sup>247</sup> Except for the tear gas, his attackers followed the exact same *modus operandi* as in the assault on Sakhir.

Specialized websites on the Internet don't look into themselves; such activity requires tasking somebody with doing it.

### **Harassment by Authorities**

Even though AMJI was legally recognized in 2011, local authorities kept harassing the association. Local agents of the ministry of interior would come occasionally to its offices, in Rabat's Agdal neighborhood, to make disparaging comments about the professionalism of AMJI's staff and their loyalty to Morocco.

Mansouri told Human Rights Watch that in 2013, the Agdal Caid, a local ministry of Interior official, summoned him to ask questions about the private lives of AMJI members, including the relationship statuses of female members.

Because the office of AMJI was too small, Mansouri told Human Rights Watch, the organization would rent conference rooms in hotels for their workshops. On at least 10 occasions, Mansouri and Monjib said in separate interviews, the directors of the hotels cancelled the programmed activities at the last minute, claiming they had received "instructions" from local authorities.

By the beginning of 2014, a hacker defaced the homepage of the association's website and replaced it with pornographic images.<sup>248</sup> Around the same period, documents belonging to Monjib were stolen during a break-in in AMJI's office.<sup>249</sup>

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<sup>247</sup> Mohammed Jaabouk, "Maroc : Un journaliste membre de l'AMJI, agressé par des inconnus à Rabat," *Yabiladi*, September 2016, 2014, <https://www.yabiladi.com/articles/details/29739/maroc-journaliste-membre-l-amji-agresse.html> (accessed June 9, 2022).

<sup>248</sup> Ibid.

<sup>249</sup> Interview with Human Rights Watch via Signal on June 25, 2021

### **“Harming State Security” with a Citizen Journalism App**

In June 2015, in association with the Moroccan Association for Digital Rights (known by its French acronym ADN) and the Moroccan Association for Youth Education (known by its French acronym AMEJ). AMJI organized a workshop in Marrakech to teach professional skills related to photography, audio and video storytelling, through the use of Story Maker, a mobile phone app developed by the British newspaper the Guardian to encourage citizen journalism. On June 10, the police interrupted the four-day training session, confiscating smartphones that the organizers had distributed to participants.<sup>250</sup>

In the next two months, the police interrogated Monjib, Mansouri, Samad Ait Aicha, a member of AMJI, Hicham Khreibchi, known as Hicham Al-Miraat, the then-president of ADN, Mohamed Essaber, the then-president of AMEJ, and two members of AMJI, journalist Maria Moukrim and retired journalist Rachid Tarek, about the involvement of their organizations in the training, and the workshop’s funding, which was provided by the Dutch group FPU.

The six men and the woman were later charged of “illegally receiving funds from a foreign organization in order to undermine Morocco’s internal security.” Except for Mansouri, who was then serving a 10-month prison term for adultery (see chapter on Mansouri), the six others were prosecuted under provisional release.

After the case drew wide international condemnation from human rights and press freedom watchdogs, the Rabat tribunal held about twenty trial sessions between 2015 and 2020. Each time, the session was automatically adjourned, officially because some defendants, including Ait Aicha, Khreibchi and Mansouri, failed to appear because they had left the country in the meantime.<sup>251</sup>

On January 20, 2021, a new session was held in the absence of the defendants. Monjib, who was then in custody for another case opened in 2020 (see chapter on Monjib,) was present in the same courthouse while the session was being held, undergoing

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<sup>250</sup> “Smart Phones Confiscated. Moroccan Authorities Remain Silent,” *Free Press Unlimited*, July 9, 2015, <https://archive.freepressunlimited.org/en/news/smart-phones-confiscated-moroccan-authorities-remain-silent/index.html> (accessed March 31, 2022).

<sup>251</sup> “Morocco: Drop Charges Against Activists,” Human Rights Watch News Release, November 8, 2015; Yasmin El-Rifae, “CPJ Joins Call for Morocco to End Harassment of Journalists,” Committee to Protect Journalists, September 29, 2015; “Morocco: Further Information: Imprisoned Academic’s Life in Danger: Maati Monjib,” Amnesty International, March 19, 2021.

interrogation by an investigative judge for his new case. Authorities did not notify Monjib that a trial session involving him was being held downstairs at the same time. After five years of postponed sessions, it took only that one session for the tribunal to finish examining the case, in the absence of the defense attorneys and all seven defendants except Essaber.

On January 27, 2021, the court reached a verdict; the seven defendants were found guilty of undermining state security. Monjib, Mansouri, Ait-Aicha, and Khreibchi were sentenced to one year in prison, Essaber to three months of suspended prison, and the other two defendants to a \$500 fine “set as a mandatory minimum sentence.”

The written judgment, which Human Rights Watch consulted, found that the Story Maker training was teaching “techniques and skills to create fabricated and fictional stories with no connection to reality using smartphones.” According to the judgment, the trial has proven that Story Maker, “an application that was specifically created [for usage in] areas in chaos and of instability,” “could be used to damage [Morocco’s] internal security by the use of fabricated audio or visual stories [...] with the goal of planting fear in the minds of the citizens, create civil unrest, shake the foundations of society and the trust in constitutional institutions, then publish [the stories] through social media which have invaded every home.”

The judgment concluded: “The suspects knew all too well that Morocco is a country of institutions, blessed with security and stability, where journalistic work is not restricted [as demonstrated by] the presence of a wide array of media platforms of different kinds; therefore, the reality of journalism in Morocco does not need anything like the workshops that were offered.”

### **“Nobody Wanted to Work with Us Anymore”**

In an interview with Human Rights Watch, Monjib said AMJI activities became less and less visible and frequent after the 2015 Story Maker trial.

They kept harassing us in multiple ways. Whenever we organized a training, security agents would call our trainers and pressure them until they cancelled their participation. We once had to cancel a workshop after three of four participants excused themselves the day before, strangely invoking the same

family-related excuse, with almost literally the same words. Those who refused to yield to pressure were profusely insulted in pro-Makhzen websites. It soon became unsustainable, nobody wanted to work with us anymore.

Between 2016 and 2018, AMJI cancelled its most visible events, including the Press Now award, only maintaining small workshops that were publicized exclusively through word of mouth to avoid attacks, Monjib told Human Rights Watch. AMJI organized one of its latest activities, a symposium on the pro-Makhzen media phenomenon in Rabat in January 2017, under the cover of other organizations to minimize risks of police reprisal.<sup>252</sup> “One evening, all the participants of the symposium were dining in a restaurant in Rabat, when the director of one of those websites burst in uninvited and started insulting us loudly,” Monjib said. “He pointed at some participants successively and said that he knew exactly how much money each one had in their bank account, and where the money came from.”

The last AMJI-organized training took place in March 2018, before the association stopped its activities. In 2021, after Monjib was arrested on charges of “money laundering” (detailed in the section about Monjib), Rachid Tarek, AMJI’s then-president, resigned.

## *2. Akhbar Al-Yaoum*

The Arabic-speaking daily *Akhbar Al-Yaoum* (“News Of The Day”) was founded in 2007 by journalist Taoufik Bouachrine. The independent newspaper published articles and editorials tackling state corruption, including in royal palace circles.

## **3 Months-Closure for a Cartoon**

Early in the morning of September 29, 2009, about twenty policemen surrounded the Casablanca headquarters of *Akhbar Al-Yaoum* and prevented the staff from entering, as reported by the Committee to Protect Journalists (CPJ). There was reportedly no legal order authorizing this police action.<sup>253</sup> Two days earlier, the Interior Ministry had accused the newspaper of “blatantly disrespecting a member of the royal family” for publishing a “cartoon on a strictly private wedding ceremony organized by the royal family.” The wedding

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<sup>252</sup> “Colloque international: La presse entre information et diffamation,” *Joussour*, January 25, 2017, <https://www.e-joussour.net/fr/colloque-international-la-presse-entre-information-et-diffamation/> (accessed March 31, 2022).

<sup>253</sup> Driss Bennani, “L’Etat execute Akhbar Al Yaoum: Le dérapage de trop,” *TelQuel*, October 3, 2009, p. 18, accessed through paper archive.

in question was that of Prince Moulay Ismail, the cousin of King Mohammed VI. Moroccan media reported extensively on the wedding, though the press had not been invited to the private ceremony.

The ministry did not explain how the cartoon in question disrespected a member of the royal family, nor was it clear from studying the cartoon, which depicted the prince in a traditional wedding scene with a backdrop apparently representing the Moroccan flag. A prosecutor charged Bouachrine and cartoonist Khalid Gueddar with “outrage to the national flag,” and Prince Moulay Ismail sued them for “lacking due respect to a member of the royal family.” On October 30, 2009, a court sentenced the two men to four years of prison, suspended, and a total of 3.6 million dirhams (\$350,000) in fines and damages to the prince.



An unidentified Moroccan man reads the newspaper *Akhbar Al Yaoum* on November 12, 2014 in Rabat. © 2014 FADEL SENNA/AFP via Getty Images

After that cartoon's publication, the newspaper remained off the stands, its offices sealed and its assets frozen without a court order for more than two months.<sup>254</sup>

On June 15, 2010, a court in Rabat sentenced Bouachrine to six months of suspended prison on charges of real estate and sales fraud.<sup>255</sup> The court also ordered him to pay 10,000 Dirhams (\$1,000) in damages to the former owner of a house that Bouachrine had bought in Rabat three years earlier. According to the press agency AFP, the former owner had filed a complaint after the sale, claiming that Bouachrine had failed to pay the agreed price. Bouachrine was acquitted in first instance in 2008, then in appeals in 2009, but the owner filed another complaint for the same issue in April 2010, after the above-mentioned cartoon incident. That time, he won the trial.

"Moroccan authorities are clearly using criminal charges to silence Taoufik Bouachrine," CPJ stated, calling the 2010 guilty verdict a "politicized prison sentence."<sup>256</sup>

### The "Last Independent Daily"

Throughout the 2000s, authorities shut down critical media outlets or drove them to bankruptcy through palace-orchestrated advertisement boycotts, and drove their publishers to exile.<sup>257</sup> By the early 2010s, *Akhbar Al-Yaoum*, though it faced pervasive advertisement boycotts, particularly from state-affiliated companies, managed to hold on, with Bouachrine still at the helm.<sup>258</sup> It was widely considered Morocco's last independent newspaper.<sup>259</sup>

During the 2010s, *Akhbar Al-Yaoum* frequently reported on State corruption, most notably allegations about financial transactions directed at the then-minister of finance, and the

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<sup>254</sup> Youssef Ait Akdim, "Akhbar Al Yaoum: Procès à la marocaine," *TelQuel*, November 7, 2009, p. 20, accessed through paper archive.

<sup>255</sup> "Moroccan Editor Given Politicized Prison Sentence," Committee to Protect Journalists, June 15, 2010, <https://cpj.org/2010/06/moroccan-editor-given-politicized-prison-sentence/> (accessed March 31, 2022).

<sup>256</sup> "Moroccan editor given politicized prison sentence," Committee to Protect Journalists, June, 15, 2010.

<sup>257</sup> Benchemsi, "Morocco and Press Freedom: A Complicated Relationship," Nieman Reports.

<sup>258</sup> "بيان حول أسباب توقف جريدة 'أخبار اليوم' عن الصدور," *Akhbar Al-Yaoum*, March 14, 2021.

<sup>259</sup> Benchemsi, "Tribunue. La tragique saga d'« Akhbar al-Yaoum »,," April 1, 2021, *L'Obs*.

then-general treasurer of the kingdom. The two men were royal palace insiders, especially the latter, who was a classmate and childhood friend of King Mohammed VI.<sup>260</sup>

After Transparency Maroc, a corruption watchdog, pressed civil charges for misuse of state funds, a prosecutor dismissed the case on the grounds that the transactions in question were legal.<sup>261</sup> Meanwhile, a court convicted Finance Ministry employee Abdelmajid Elouiz of “divulging official documents,” after a prosecutor accused him of being the source for *Akhbar Al-Yaoum*’s journalists. In March 2014, Elouiz was sentenced to two months in prison, suspended.<sup>262</sup>

On top of his newspaper’s revelations on corruption, Bouachrine might have also drawn the ire of the royal palace for an additional reason: the daily’s staunch defense of Prime Minister Abdelilah Benkirane, whose “dangerous popularity,” as US-based Moroccan scholar Mohamed Daadaoui put it, may have made the palace uneasy.<sup>263</sup> Even though Benkirane’s Islamist formation, the Justice and Development Party, won a plurality of seats in parliament in the October 2016 elections, the king ended up using his constitutional power to dismiss him five months later. Because of Bouachrine’s closeness with Benkirane, pro-Makhzen media considered Bouachrine his “spokesperson.”<sup>264</sup>

### **Criminal Cases against *Akhbar Al-Yaoum* Staff**

The arrest, trial, and imprisonment of Bouachrine for rape and human trafficking are detailed in the account of his case, above. The arrest, trials, and imprisonment of Bouachrine’s associates at the newspaper, journalist Hajar Raissouni and editor-in-chief Soulaïman Raissouni, are also detailed in the case studies chapter, above.

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<sup>260</sup> Hanane Jazouani, “Maroc: Des documents exclusifs prouvent que Salaheddine Mezouar a touché des primes,” *Ya Biladi*, June 13, 2012, <https://www.yabiladi.com/articles/details/11299/maroc-documents-exclusifs-prouvent-salaheddine.html> (accessed March 31, 2022).

<sup>261</sup> “Primes Mezouar-Bensouda: Transparency Maroc préoccupé par le traitement de la Justice,” *Ya Biladi*, April 15, 2014, <https://www.yabiladi.com/articles/details/24972/primes-mezouar-bensouda-transparency-maroc-preoccupe.html> (accessed March 31, 2022).

<sup>262</sup> Mohamed Chakir Aloui, “Primes Mezouar/Bensouda: UN verdict qui fait jaser,” *Le 360*, March 23, 2014, <https://fr.le360.ma/societe/primes-mezouarbensouda-un-verdict-qui-fait-jaser-11819> (accessed March 31, 2022).

<sup>263</sup> Mohamed Daadaoui, *Moroccan Monarchy and the Islamist Challenge*.

<sup>264</sup> Mohammed Taoufiq Bennani, “Benkirane perdra la guerre,” *La Vérité*, June 9, 2018, <https://www.laverite.ma/benkirane-perdra-la-guerre/> (accessed March 31, 2022).



## Economic Boycott Ends in Bankruptcy

When the Moroccan government ordered newspaper publishers in March 2020 to stop printing and distributing paper copies as a way to minimize social interactions and fight the Covid-19 pandemic, it created a compensation fund to directly pay for salaries of journalists.<sup>265</sup> Those of *Akhbar Al-Yaoum* benefited from that mechanism like hundreds of other journalists in Morocco, until October 2020. That month, salary payments for *Akhbar Al-Yaoum* stopped without explanation.<sup>266</sup>

When questioned in Parliament about why payments just to staff at this newspaper stopped, then-Communications Minister Othman El Ferdaous, in charge of the media sector, gave no explanation for three months, and then promised to release salaries. He never did so, as a journalist of *Akhbar Al-Yaoum* confirmed to Human Rights Watch.<sup>267</sup>

After a long state-led advertisement boycott, and the refusal of some state clients to pay after their ads were published in the newspaper, *Akhbar Al-Yaoum* announced its closure for bankruptcy in a communique published on March 15, 2021.<sup>268</sup>

The same day a pro-Makhzen website, Barlamane, wrote that the newspaper's "poor management" was to blame for its bankruptcy.<sup>269</sup> A few days later, Chouf TV, another pro-Makhzen media outlet, wrote that the end of *Akhbar al-Yaoum* was part of the "global trend of the decline of paper press in favor of online media."<sup>270</sup>

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<sup>265</sup> Kaouthar Oudrhiri, "Médias: la presse prise à la gorge par le coronavirus," *TelQuel*, March 25, 2020, [https://TelQuel.ma/2020/03/25/la-vague-de-coronavirus-met-en-peril-le-secteur-de-la-presse\\_1675500](https://TelQuel.ma/2020/03/25/la-vague-de-coronavirus-met-en-peril-le-secteur-de-la-presse_1675500) (accessed March 31, 2022).

<sup>266</sup> "نقطة نظام.. الجحيم مع الفردوس," *Al-Yaoum24*, December 9, 2020.

<sup>267</sup> Human Rights Watch Interview with Said El Kamel, Journalist, on December 1, 2020; Mohammed Haroudi, "الفردوس: أجور 'أخبار اليوم' في طريقها للصرف والتدقيق في الدعم سيُشمل جميع المقاولات," *Al-Yaoum24*, January 14, 2021, <https://alyaoum24.com/1494446.html> (accessed March 31, 2022).

<sup>268</sup> Oudrhiri, "Dans le rouge, le journal Akhbar Al Yaoum joue sa survie," *TelQuel*, February 10, 2020; *TelQuel*; "بيان حول" أسباب توقف جريدة 'أخبار اليوم' عن الصدور," *Akhbar Al-Yaoum*, March 14, 2021.

<sup>269</sup> "سقوط أخبار اليوم ينعش حقبة عل عيد المومني تجاه الدولة," *Barlamane*, March 15, 2021, <https://www.barlamane.com/%D8%B3%D9%82%D9%88%D8%B7-%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1-%D8%A7%D9%84%D9%8A%D9%88%D9%85-%D9%8A%D9%86%D8%B9%D8%B4-%D8%AD%D9%82%D9%8A%D9%86%D8%A9-%D8%BA%D9%84-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D9%85/> (accessed March 31, 2022).

<sup>270</sup> Abu Wael Al-Rifi, "يُوح الأحد: كيف تم إلحاق جزء من فكك بالجزائر ودور أوفقيير، هل أن الأوان...," *Chouf TV*, March 21, 2021, <https://chouftv.ma/press/361081.html> (accessed March 31, 2022).

## B. The Pro-Makhzen media

In investigative articles and elsewhere, several journalists identified a certain constellation of Moroccan media outlets as “close to the royal palace,” or having close ties with Morocco’s police and intelligence services.<sup>271</sup> The following sections focus on three prominent outlets of that type.

### 1. *Chouf TV*

Chouftv.ma is an Arabic-language web-based television channel and news site, specialized in scandal-mongering videos, often exploring the intimate lives of individuals. Videos and articles tackling political subjects are rare relative to the rest of the channel’s content. Based on Human Rights Watch’s review of scores of Chouf TV articles, whether praising officials and state policies or harshly criticizing dissidents, the website reliably aligns with the presumed interests of the authorities on important issues of policy orientation and when it comes to responding to critics.

Chouf TV publishes a weekly column titled “Sunday Reveal” under the byline Abu Wael Al-Rifi, reportedly a pseudonym for Driss Chahtane, Chouf TV’s director.<sup>272</sup> The column regularly fulminates against Algerian authorities and rabidly defends the “Moroccanness” of Western Sahara, in line with official discourse.<sup>273</sup> It also maligns critics of the Makhzen, independent journalists and human rights activists, and often publishes scandalous allegations pertaining to their personal and intimate lives.

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<sup>271</sup> Ali Lmrabet’ Twitter Account, July 7, 2018, <https://twitter.com/Alilmrabet/status/1015634977764118533> (accessed April 1, 2022); Serge Michel and Youssef Ait Akdim, “Maroc: la méthode d’un media proche du palais pour ‘dégonfler’ les scoops gênants,” *Le Monde*, April 5, 2016, [https://www.lemonde.fr/afrique/article/2016/04/06/maroc-la-methode-d-un-media-proche-du-palais-pour-degonfler-les-scoops-genants\\_4896687\\_3212.html](https://www.lemonde.fr/afrique/article/2016/04/06/maroc-la-methode-d-un-media-proche-du-palais-pour-degonfler-les-scoops-genants_4896687_3212.html) (accessed April 1, 2022); Reuckert and Schilis-Gallego, “Journaliste Surveillé au Maroc: ‘La descente aux enfers’ d’Omar Radi,” *Forbidden Stories*, July 7, 2020.

<sup>272</sup> “Des centaines de faux comptes servant de relais à Chouf TV supprimés par Facebook,” *Le Desk*, March 4, 2021, <https://ledesk.ma/2021/03/04/des-centaines-de-faux-comptes-servant-de-relais-chouf-tv-supprimes-par-facebook/> (accessed April 1, 2022).

<sup>273</sup> Most Moroccan media refer to Western Sahara, which Morocco claims as part of its own territory, as “Moroccan Sahara.” Since Algeria is the main backer of the Polisario Front, the liberation movement that seeks self-determination for Western Sahara, the promotion of Western Sahara’s “Moroccanness” is often paired with aggressive, adversarial rhetoric vis-à-vis Algeria.



The headquarters of Chouf TV in Casablanca. Source: Facebook

In October 2021, Alexa, an American web traffic analysis company that belongs to Amazon, ranked Chouf TV the third most consulted website in Morocco, after Google and YouTube and ahead of Facebook.<sup>274</sup>

In October 2009, Driss Chahtane was sentenced to one year in prison for “publication of fake news” after *Al Michaal*, a weekly newspaper he owns and runs, commented on King Mohammed VI’s health.<sup>275</sup> He received a royal pardon and was freed in June 2010, two months after he “implored King Mohammed VI’s clemency” in an interview from prison.<sup>276</sup>

<sup>274</sup> “Top Sites in Morocco,” Alexa by Amazon.

<sup>275</sup> “Maroc: emprisonné pour avoir évoqué la santé du roi,” *L’OBS*, October 16, 2009, <https://www.nouvelobs.com/medias/medias-pouvoirs/20091016.OBS4866/maroc-emprisonne-pour-avoir-evoque-la-sante-du-roi.html> (accessed April 1, 2022).

<sup>276</sup> “Libération du journaliste Driss Chahtane,” Reporters Sans Frontières, January 20, 2016, <https://rsf.org/fr/actualites/liberation-du-journaliste-driss-chahtane> (accessed April 1, 2022); MarocHebdo, “Driss Chahtane: ‘J’implore la grâce royale,’” *Maghress*, May 14, 2014, <https://www.maghress.com/fr/marochebdo/123472> (accessed April 1, 2022).

After that, French media *L'Humanité* and *Mediapart* wrote in an article they co-published that Chahtane had performed “a 180-degree turn to settle in the folds of power.”<sup>277</sup>

On April 1, 2022, and again on May 9, Human Rights Watch sent an email to Chahtane, inviting him to answer several questions about Chouf TV. Human Rights Watch had received no answer as this report went to press.

In an interview in 2019, Chahtane said Chouf TV had a team of 107 journalists scattered around Morocco and an annual revenue of \$2.5 million.<sup>278</sup> Chouf TV’s Facebook page indicates 18 million followers. *The New York Times’* Facebook page has 17 million, the *Guardian’s* 8 million and *Le Monde’s* 4 million.

It is possible that such a high viewership includes many fake accounts. A Facebook report published in February 2021 said that the social media company had removed a “network” of 385 Facebook accounts that “originated primarily in Morocco and targeted domestic audiences,” six pages with about 150,000 subscribers, and 40 Instagram accounts with about 2,500 followers, for violating its “policy against coordinated inauthentic behavior.”<sup>279</sup>

The report said: “[The network] originated primarily in Morocco and targeted domestic audiences. The people behind this network used fake accounts to post in multiple groups at once to make their content appear more popular than it was. They also frequently used these accounts to comment on news and pro-government stories from various news outlets including Chouf TV.”

The Facebook report provided a sample of the “comments” in question: “praise for the government’s response to the coronavirus pandemic, its diplomatic initiatives, Moroccan security forces, King Mohammed VI, and the director of the General Directorate for Territorial Surveillance [the Moroccan police.]”

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<sup>277</sup> Rosa Moussaoui, “Affaire Omar Radi: révélations sur les méthodes de la monarchie marocaine pour bâillonner la presse,” *L'Humanité*, September 22, 2020, <https://www.humanite.fr/monde/omar-radi/affaire-omar-radi-revelations-sur-les-methodes-de-la-monarchie-marocaine-pour> (accessed April 1, 2022).

<sup>278</sup> Bilal Mousjid, “Chouf TV: le buzz et l’argent du buzz...” *Medias24*, October 23, 2019, <https://medias24.com/2019/10/23/chouf-tv-le-buzz-et-largent-du-buzz/> (April 1, 2022).

<sup>279</sup> Facebook, *February 2021 Coordinated Inauthentic Behavior Report*, February 2021, <https://about.fb.com/wp-content/uploads/2021/03/February-2021-CIB-Report.pdf>.

The report included visual samples of the photomontages posted by those accounts. One featured a picture of Abdellatif Hammouchi, the kingdom's top security official, over a field of roses. Another one showed King Mohammed VI with a red background, surrounded by a stylized green heart (the Moroccan flag is a green star over a red background) with the comment, "you are in our hearts." Another photomontage featured a hand carrying a gun seemingly bursting out of a map of Morocco with the caption, "Betraying the nation is a grave and unforgivable crime—No to the traitors among us."

The Facebook report added that the "inauthentically coordinated accounts" disseminating Chouf TV content also "frequently posted criticism of the opposition to the King, human rights organizations and dissidents."

In June 2022, Chahtane was appointed president of Morocco's national media association.<sup>280</sup>

## 2. *Barlamane*

Barlamane.com is an Arabic-language website that runs news and commentary in text and video format. It also has a French version and a web-radio. Its founder and director is Mohamed Khabbachi, a former director general of the Maghreb Arabe Presse (MAP), Morocco's official news wire service.

The MAP has developed a network of correspondents all over the world, at least some of whom allegedly have working relations with the Direction Générale des Etudes et de la Documentation (DGED), Morocco's foreign intelligence agency.<sup>281</sup> In 2005, a tribunal in Almeria, Spain, ruled in favor of Moroccan journalist Ali Lmrabet, sued by MAP for libel after he wrote in Spanish daily *El Mundo* that MAP was an "army of snitches."<sup>282</sup> In its judgment, the

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<sup>280</sup> "Driss Chahtane nommé président de l'Association nationale des médias et des éditeurs," *TelQuel*-ma, June 23, 2022

<sup>281</sup> "Propagande au cœur de la machine MAP," *TelQuel*, June 4, 2010, <https://TelQuel.ma/sommaire/propagande-au-coeur-de-la-machine-map> (accessed April 1, 2022); "Les 'fonctionnaires-journalists' de la MAP sont-ils de espions?" *OPEMAM*, January 27, 2013, <http://www.opemam.org/node/723> (accessed April 1, 2022).

<sup>282</sup> "Ali Lmrabet fait condamner la MAP en Espagne," *Algerie Focus*, June 23, 2009, <https://www.algerie-focus.com/ali-lmrabet-fait-condamner-la-map-en-espagne/> (accessed April 1, 2022).

Spanish court indicated that the links between MAP, then headed by Khabbachi, and the DGED were “sufficiently proven.”<sup>283</sup>

In 2010, Khabbachi was appointed “governor in charge of communication” at the Ministry of Interior. Khabbachi created Barlamane in 2013. Though his name is not on the website’s staff list, Khabbachi is regularly identified as Barlamane’s creator in news articles, and never issued any denial with that regard.<sup>284</sup> Apple’s App Store lists Mohamed Khabbachi as the “developer” of the Barlamane app.<sup>285</sup>



A popular show on Barlamane.com. The episode title reads: “Secrets and Truths of The Renegades Who Betrayed Their Country.” Source: YouTube

<sup>283</sup> “Les ‘fonctionnaires-journalistes’ de la MAP sont-ils de espions?” *Demain Online*, January 27, 2013, <https://web.archive.org/web/20150923213514/http://www.demainonline.com/2013/01/27/les-fonctionnaires-journalistes-de-la-map-sont-ils-des-espions-a-la-solde-de-la-dged/> (accessed May 10, 2022).

<sup>284</sup> “Un ancien directeur de la MAP poursuivi en justice par des ministres PJD?” *Bladi.net*, April 5, 2019, <https://www.bladi.net/map-justice-ministres-pjd,55142.html> (accessed April 1, 2022); Yassine Benargane, “Le Maroc et Mohamed Khabbachi cités dans une affaire impliquant un proche de Salvini,” July 31, 2019, <https://www.yabiladi.com/articles/details/81733/maroc-mohamed-khabbachi-cites-dans.html> (accessed May 10, 2022).

<sup>285</sup> “Barlamane,” Apple Application Store, undated, <https://apps.apple.com/us/app/barlamane/id1013163663> (accessed April 1, 2022).

Barlamane’s editorial line is closely aligned with the perspective of the Moroccan authorities on key policy issues. Its articles frequently defend top Makhzen members and policies in aggressive ways, lambasting Algerian authorities and proponents of independence for Western Sahara. Human Rights Watch reviewed hundreds of Barlamane articles that were insulting toward or rife with scandalous allegations against independent journalists, human rights activists and Moroccan dissidents.

On September 13, 2019, Barlamane published an article in Arabic titled “The Scandals of the Raissouni Family of which Satan Himself Is Ashamed.”<sup>286</sup> Listing a series of malicious allegations on the intimate and sexual life of dissident journalist Soulaïman Raïssouni and of several of his family members, the article said: “Soulaïman, we are ashamed to reveal your actions [...] There will come a day when we open the book of your life in all its darkness.” The website published a series of articles on Raïssouni in the following months – about 60 between 2018 and 2020, according to the count of journalist and France-based political asylee Hicham Mansouri – until Raïssouni was arrested in May 2020 and prosecuted for sexual assault.<sup>287</sup>

On April 1, 2022, Human Rights Watch sent an email to Khabachi, and again on May 9, inviting him to answer several questions about Barlamane. Human Rights Watch had received no answer as this report went to press.

### 3. Le360

Le360 is a French-language website that runs news and commentary in text and video format. It also has an Arabic version.

<sup>286</sup> “فضائح عائلة الريسوني التي يخجل منها إبليس اللعين,” *Barlamane*, September 13, 2019, [https://www.barlamane.com/%D9%81%D8%B6%D8%A7%D8%A6%D8%AD-%D8%B9%D8%A7%D8%A6%D9%84%D8%A9-%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A-%D8%A7%D9%84%D8%AA%D9%8A-%D9%8A%D8%AE%D8%AC%D9%84-%D9%85%D9%86%D9%87%D8%A7-%D8%A5%D8%A8/?\\_\\_cf\\_chl\\_jschl\\_tk\\_\\_=71023780dbd2625c545coacde33f4c8dec3acdf8-1590632634-0-AUds3yW2cDGweqeEgaoNsBKv6fgf09PF943DFaKOoUMODucnfs8t2erRaUkiYt2a2TtPP1v9\\_TDqqZoYEmHOymTOAq-gcohJa1OW2lRb2lZcobzFILxaCXjilCZhKJlIVYiVnHzHekDz1cos5UPfRmkgOKnLA6HFD9GkWhWNuvpy341YBfKFM3C-G6i24X7hf4dCdcjkYwfBWhjcl4fiVolU2E1clghQJuo\\_Khkg-s72xxjjwXgQrrl8pLG-dvb1xthZBQYV2HRRmwnYTbKln7-tj9-OrlpGV116uqLvhhj-vWpJIKPchllJuaoQ4sCc-yzJnXH9nFeGgoM4QSQR-7\\_e9v6dpRFqTuUYR\\_jOyEgA2f561NNxAOOB1ETWVKVylGEaHHOchW8mdGriz\\_uhxRlureoBWvfJoSn3wTwgdLoKfXKO-LD8cGFbx9bUR-o\\_GFcoDhOmjroevmuEotv8-7Fsoahs4SuMhaGfco5EU1Dh1qaku2sTHM9a4pjK4hzZYABWNMhRbRM3ummr4HpHcenFZmHyDU8\\_Do\\_vjdvhwLqcFfrvZ--5P83dtNEcshUHH-vzoKRH445mMmO3PRTtfH4A](https://www.barlamane.com/%D9%81%D8%B6%D8%A7%D8%A6%D8%AD-%D8%B9%D8%A7%D8%A6%D9%84%D8%A9-%D8%A7%D9%84%D8%B1%D9%8A%D8%B3%D9%88%D9%86%D9%8A-%D8%A7%D9%84%D8%AA%D9%8A-%D9%8A%D8%AE%D8%AC%D9%84-%D9%85%D9%86%D9%87%D8%A7-%D8%A5%D8%A8/?__cf_chl_jschl_tk__=71023780dbd2625c545coacde33f4c8dec3acdf8-1590632634-0-AUds3yW2cDGweqeEgaoNsBKv6fgf09PF943DFaKOoUMODucnfs8t2erRaUkiYt2a2TtPP1v9_TDqqZoYEmHOymTOAq-gcohJa1OW2lRb2lZcobzFILxaCXjilCZhKJlIVYiVnHzHekDz1cos5UPfRmkgOKnLA6HFD9GkWhWNuvpy341YBfKFM3C-G6i24X7hf4dCdcjkYwfBWhjcl4fiVolU2E1clghQJuo_Khkg-s72xxjjwXgQrrl8pLG-dvb1xthZBQYV2HRRmwnYTbKln7-tj9-OrlpGV116uqLvhhj-vWpJIKPchllJuaoQ4sCc-yzJnXH9nFeGgoM4QSQR-7_e9v6dpRFqTuUYR_jOyEgA2f561NNxAOOB1ETWVKVylGEaHHOchW8mdGriz_uhxRlureoBWvfJoSn3wTwgdLoKfXKO-LD8cGFbx9bUR-o_GFcoDhOmjroevmuEotv8-7Fsoahs4SuMhaGfco5EU1Dh1qaku2sTHM9a4pjK4hzZYABWNMhRbRM3ummr4HpHcenFZmHyDU8_Do_vjdvhwLqcFfrvZ--5P83dtNEcshUHH-vzoKRH445mMmO3PRTtfH4A) (accessed April 1, 2022).

<sup>287</sup> Orient XXI, “Maroc. Cette « stratégie sexuelle » qui lamine les journalistes,” July 16, 2020.





Screenshot of the Le360's homepage, July 18, 2022.

In April 2015, the French daily *Le Monde* reported that gallery owner and art critic Aziz Daki, who is also a shareholder and the director general of Le360 is “known to be very close to Mounir Majidi,” the private secretary of King Mohammed VI and the president of the holding companies that host the private economic interests of the monarch.<sup>288</sup> *Le Monde* noted that Majidi hired Daki as artistic director and spokesperson for the Mawazine Festival, a musical event held annually in Rabat. Majidi chaired the association that manages the festival for ten years.

In 2015, the Moroccan magazine *TelQuel* asked Daki about the “rumors” linking Le360 to the King’s secretary. Daki dismissed the rumors as based on “facile shortcuts.”<sup>289</sup> Several incidents however suggest that Le360 may at least be a preferred channel of communication for Majidi.

In February 2015, Le360 published pictures (deleted since then but still accessible on web archives) of a letter sent to Majidi by two French journalists inquiring about royal

<sup>288</sup> “Maroc : la méthode d’un média proche du palais pour « dégonfler » les scoops gênants” in *Le Monde*, April 5, 2016, retrieved from [lemonde.fr](http://lemonde.fr), accessed February 15, 2022.

<sup>289</sup> Yassine Majidi, “Aziz Daki: Moulay Hicham convoite le poste du chef de l’Etat légitime,” *TelQuel*, July 3, 2015, [https://TelQuel.ma/2015/07/03/aziz-daki-moulay-hicham-convoite-poste-du-chef-letat-legitime\\_1454521](https://TelQuel.ma/2015/07/03/aziz-daki-moulay-hicham-convoite-poste-du-chef-letat-legitime_1454521) (accessed April 1, 2022).



finances.<sup>290</sup> The letter gave Majidi an opportunity to comment on information soon to be published in the French daily *Le Monde* about a Swiss bank account in the name of King Mohammed VI and listing Majidi as account manager. The letter, sent directly to Majidi and his lawyer, was leaked to Le360 before *Le Monde*'s article was published.<sup>291</sup>

The same kind of event happened again in March 2016. Ahead of his publication of an investigation on offshore companies owned by the king and managed by Majidi, an American journalist and member of the investigative consortium ICIJ sent a letter offering Majidi an opportunity to comment. The letter was leaked again to Le360, before the article was published in the news site Le Desk, the Moroccan partner of ICIJ.<sup>292</sup> An article in *Le Monde* described how the media close to the royal palace, including Le360, sought to “deflate” embarrassing press investigations involving “the king and his entourage.”<sup>293</sup>

The editorial line of Le 360 is very closely aligned with the perspectives of the Moroccan authorities, Human Rights Watch concluded on the basis of reviewing hundreds of articles published between from the mid-2010s until 2022. Its articles and videos regularly defend the royal palace and security forces, sometimes through rosy portraits of security officials.<sup>294</sup> It also regularly publishes insulting articles, rife with denigrating allegations, about independent journalists, human rights activists, and other Moroccan dissidents.

One of Le360's recurrent targets is Prince Moulay Hicham, a cousin of King Mohammed VI who is widely considered a “rebel” member of the royal family because of his frequent criticism of the king's management of Moroccan affairs, and the prince's calls for a

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<sup>290</sup> Mohamed Chakir Alaoui, “La face cachée d'une ‘enquête’ contre la famille royale,” *Le 360*, February 4, 2015, <https://web.archive.org/web/20160822131552/https://fr.le360.ma/politique/la-face-cachee-dune-enquete-contre-la-famille-royale-31509> (accessed April, 2022).

<sup>291</sup> Fabrice Lhomme, Ahmed Benchemsi, and Gérard Davet, “His Majesty Mohammed VI, Client Number 5090190103,” *Le Monde*, [https://www.lemonde.fr/evasion-fiscale/article/2016/11/07/his-majesty-mohammed-vi-client-number-5090190103\\_4573825\\_4862750.html](https://www.lemonde.fr/evasion-fiscale/article/2016/11/07/his-majesty-mohammed-vi-client-number-5090190103_4573825_4862750.html) (accessed April 4, 2022).

<sup>292</sup> Aziz Bada, “Les dessous d'une ‘enquête’ bidon sur deux biens appartenant au roi,” *Le 360*, March 7, 2016, <https://fr.le360.ma/politique/les-dessous-dune-enquete-bidon-sur-deux-biens-appartenant-au-roi-64463> (accessed April 1, 2022); Ali Amar and Christophe Guguen, “Panama Papers, Mounir Majidi au cœur du volet consacré au Maroc,” *Le Desk*, April 3, 2016, <https://ledes.ma/2016/04/03/panama-papers-majidi-au-coeur-du-volet-consacre-au-maroc/> (accessed April 1, 2022).

<sup>293</sup> “Maroc: la méthode d'un media proche du palais pour ‘dégonfler’ les scoops gênants,” *Le Monde*, April 5, 2016.

<sup>294</sup> Mohammed Boudarham, “La fabuleuse histoire de Abdellatif Hammouchi, l'homme qui ne dort jamais,” *Le 360*, June 15, 2020, <https://m.le360.ma/medias/la-fabuleuse-histoire-de-abdellatif-hammouchi-lhomme-qui-ne-dort-jamais-217287> (accessed April 1, 2022).

democratic opening in Morocco and beyond.<sup>295</sup> A search for “Moulay Hicham” in Le360’s search engine turns up about 130 articles on the prince, all of which paint him in an unflattering light.<sup>296</sup>

On April 1, 2022, Human Rights Watch sent an email to Daki, inviting him to answer several questions about Le360. Human Rights Watch received an answer on April 14, in which Wadi El Moudden, publication director of Le360, denied that his website is part of any “defamation media” and stated that it is devoted to publishing information that is verified and in the general interest. El Moudden asked Human Rights Watch not to quote from his letter.

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<sup>295</sup> Aida Alami, “Rebel Prince Shines a Harsh Light on Morocco,” *New York Times*, May 9, 2014, <https://www.nytimes.com/2014/05/10/world/africa/moroccos-rebel-prince.html> (accessed April 1, 2022).

<sup>296</sup> <https://fr.le360.ma/recherche/moulay%20hicham> Search accessed on April 4, 2022; Hicham is a former member of Human Rights Watch’s advisory committee on the Middle East and North Africa.

## Acknowledgments

This report was researched, drafted, reviewed, and edited by a team in Human Rights Watch including Senior Legal Advisor Clive Baldwin, Senior Women’s Rights Researcher Rothna Begum, Middle East and North Africa (MENA) Communications Director Ahmed Benchemsi, MENA Deputy Director Eric Goldstein, Deputy Program Director Tom Porteous, and Acting Senior Legal Advisor Benjamin Ward.

Business and Human Rights Director Arvind Ganesan, Technology and Human Rights director Frederike Kaltheuner, and LGBT rights researcher Rasha Younes, among others, provided expert review.

Consultant Producer Santiago Garcia and Human Rights Watch’s Multimedia Deputy Director Christina Curtis conceived and produced the video accompanying the report.

MENA associates, Senior Publications Coordinator Travis Carr, and Senior Administrative Manager Fitzroy Hepkins prepared the report for publication.

Thanks to the lawyers, especially Miloud Kandil, Mohamed Messaoudi, and Mohamed Sadkou, who helped us with specific legal cases and broader questions on Moroccan law and penal procedures.

Thanks to the Moroccan Association for Human Rights (AMDH), and especially its secretary general Youssef Raissouni, for their constant availability to provide information.

Most importantly, we thank all those named in the report and those whose names we withheld at their request or for security reasons, for sharing their experiences and insights with us.

# “They’ll Get You No Matter What”

## Morocco’s Playbook to Crush Dissent

In the last decade, Morocco’s authorities have grown increasingly intolerant toward dissidents and critical journalists. But instead of prosecuting them for speech offenses, which would undermine Morocco’s much-coveted image as a “moderate,” rights-respecting country, they have targeted dissidents with underhanded repressive tactics, including harassment and smear campaigns in State-aligned media and targeting of relatives and personal finances. Most seriously, noted critics have been prosecuted and imprisoned on rape, sexual assault, financial misconduct and other criminal charges. While no one is above the law and sexual assault and other criminal activity should be subject to fair investigation and judicial proceedings, the prosecutions and trials of these dissidents were unfair and unjust. In a collection of deep-dive case studies, Human Rights Watch unmask Morocco’s playbook of underhanded tactics, and asks the international community to call out Moroccan authorities for their repression of free speech.



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